TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~477~~ 245

THE LIVE STOCK DEALERS AND BUTCHERS' ASSOCIATION OF NEW ORLEANS, PLAINTIFFS IN ERROR,

vs.

THE CRESCENT CITY LIVE STOCK LANDING AND SLAUGHTER HOUSE COMPANY.

IN ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

FILED AUGUST 30, 1870.

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1 STATE OF LOUISIANA:

Seventh district court for the parish of Orleans.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Co. and George W. Carter.

No. 1883.

Petition.—Filed July 22d, 1869.

To the honorable the seventh district court for the parish of Orleans:

The petition of The Live Stock Dealers and Butchers' Association of New Orleans, an incorporation duly incorporated under and in accordance with the laws of Louisiana, and domiciled in New Orleans, respectfully represents that your petitioner, for the purposes of their incorporation, which, in part and the main, are to purchase or lease grounds in and near the city of New Orleans, and to erect thereon and adjoust
2 thereto docks, wharves, ways, landings, yards, pens, stables, and other enclosures for the landing, receiving, stabling, yarding, keeping, and preserving beef cattle, cows, sheep, swine, and other animals designed for food, and to built and errect slaughter-houses and other buildings, manufactories, etc., for the slaughtering and preparing all such animals for food, and the converting of all other parts of the animals not suitable for food into articles of commerce and use in the arts, have, in order to more fully and effectually carry out their said purposes and intentions, made arrangements for the lease and subsequent purchase of a tract of land on the left bank of the Mississippi River, lying partly in the city of New Orleans and partly in the parish of St. Bernard, known as the Delery Plantation, and now owned by Cha's Cavaroc, and have made arrangements, and are about to errect all the necessary and suitable buildings and structures, as above more particularly set forth, and as soon as may be convenient, and due preparations can be made, to commence the receiving and slaughtering of animals at that point, and the manufacture of parts of animals not suitable for food into articles of commerce and use in the arts, and that, by the terms of the act of incorporatiou, the buildings, landings,
3 and works are to be located on that portion of said tract of land lying in the parish of Orleans; that the same is below the United States barracks; that most of the members of The Live Stock Dealers and Butchers' Association of New Orleans are now engaged in business in their respective callings at and near the stock-landing, in the city of Jefferson, and have concluded to abandon their business and homes at said place, and to locate themselves at and near, and on the property hereinbefore described as the plantation of Delery or Cavaroc, and to resume their business to that place; that to afford facilities therefore your petitioners will be compelled to expend many thousand dollars.

Now, petitioner alleges and avers that The Crescent City Live Stock Landing and Slaughter House Company, pretending to be a corporation incorporated by act No. 118 of the legislature of this State, approved March 8th, 1869, and acting as such, pretends to and claims to have a complete and exclusive monopoly of all the live-stock landing and slaughter-house business within the parishes of Orleans, Jefferson, and St. Bernard, and so interpret their claims so as to include within the same the entire business as proposed to be carried on by your
4 petitioner, and as is and has been carried on for a long time by

others; that said Slaughter House Co. heretofore, by many vexatious suits, and in many other ways, by writs of injunction, by suits for damages, by rules for contempt, etc., have endeavored to prevent all persons not licensed by them from pursuing their regular, lawful, and legitimate business, as hereinbefore set forth, and to make more sure and certain the oppressive and grinding monopoly as claimed by them, and it is believed and greatly feared that said Slaughter House Company will attempt to prevent your petitioner from commencing the construction of the works contemplated, and from carrying on the business as aforesaid, and will so prevent and hinder, to the petitioner's great and irreparable injury, unless restrained by an injunction.

Now, petitioner alleges and avers that said Slaughter House Company are endeavoring to enforce a grievous and oppressive and exclusive right and privilege of receiving, yarding, keeping, and preserving all kinds of animals received in this market, and slaughtering the same, and preparing their meat for food, and supplying the markets of the parishes of Orleans, Jefferson, and St. Bernard with butchers' meat, to do which your petitioner claims to have a right for itself and its
5 members in common with the balance of the community, though it does not claim an exclusive right.

Now, petitioner alleges that the act of the 8th March, 1869, No. 118, is unconstitutional, null, and void; that it conflicts with the constitution of the State of Louisiana, and specially articles ten, fourteen, forty-two, one hundred and ten, and one hundred and fourteen of said constitution, and with the Constitution of the United States, and specially the fourteenth amendment thereof; that the whole of said act is unconstitutional, and especially in its grant establishing said Crescent City Live Stock Landing and Slaughter House Company, and in its grant to said company of the exclusive privilege of having landed, kept, and slaughtered, at and on its own wharves, sheds, yards, buildings, and slaughter-houses all animals, the meat of which is intended for sale in the parishes of Orleans, Jefferson, and St. Bernard, and also in the fees, costs, and charges allowed said company for the keeping, and permission to be slaughtered, said animals, and in further granting to said company the power of depriving persons thus compelled to slaughter in the slaughter-house of said company of a part of their property without com-
6 pensation, or due process of law; and further, specially, in authorizing said company to sue for fines and penalties inflicted by the provisions of said act.

Petitioner further alleges and avers that said act is illegal, null, and void so far as it effects petitioner, or gives rights and privileges to said Slaughter House Company, because the passage of said act through the legislature was obtained by the use of corruptness and bribery of the members of the legislature, or a sufficient number of them to ensure its passage.

And petitioner further represents that one George W. Carter, assuming to have been appointed inspector of all stock slaughtered for sale in the parishes of Orleans, Jefferson, and St. Bernard, under the provisions of said act of March 8th, 1869, threatens, by public notice and by virtue of suits already instituted against various parties, to rigidly enforce the provisions of said act, and to use police power to enforce the same, and to compell all live-stock dealers and butchers of the parishes of Orleans, Jefferson, and St. Bernard to submit to all and singular the illegal and unconstitutional claims, privileges, and exactions granted or pretended to be granted to The Crescent City Live Stock Landing and Slaughter House Company, and especially to compell your petitioner, and all

butchers and live-stock dealers in said parishes, to land, keep, and
7 slaughter at the wharves and in the buildings and slaughter-houses of said Slaughter House Company, and petitioner varily believes that said George W. Carter, by himself or his deputies, will attempt to execute his said threats, to the great and irreparable injury of your petitioner and the members of this association, unless restrained by a writ of injunction; that by the threats and illegal practises, as hereinbefore set forth, petitioner has already been injured in the sum of three thousand dollars, and should the matters complained of be persisted in, the damages which would result to petitioner cannot now be estimated, and would, in fact, be irreparable.

Wherefore the premises, annexed affidavit, and bond being considered, petitioner prays that The Crescent City Live Stock Landing and Slaughter House Company, through its president, and its president, officers, agents, servants, employees, and attorneys, and the said George W. Carter, his deputies, agents, servants, employees, and attorneys, each and all of them, be enjoined and restrained from, in any form, way, or manner, molesting, hindering, or interfering with, or attempting to hinder or interfere with, your petitioner, or any of its officers, agents, or
employees, in erecting wharves, landings, yards, pens, slaughter-
8 houses, and other buildings or manufactories, or in the way of landing stock at the said landing-places of this company, as fixed by its act of incorporation, or in yarding, stabling, or keeping such stock at the pens, yards, and stables of the corporation as aforesaid, or in slaughtering animals and preparing the meat thereof for market at the said slaughter-houses to be erected by this corporation at the place designated in their act of incorporation, by force, or suit, or otherwise, in the exercise of petitioner's right, privilege, or business of buying, receiving, stabling, keeping, protecting, slaughtering, butchering, or preparing for market, in the parishes of Orleans, Jefferson, and St. Bernard, or of manufacturing the parts of animals not suitable for food into materials and articles of commerce and use in the arts, at the place of business of this corporation, as designated in its act of incorporation, to wit, the Delery Plantation, on the left bank of the Mississippi River, descending below the United States barracks, and lying and situated partly in the city of New Orleans and partly in the parish of St. Bernard; and that the said Crescent City Live Stock Landing and Slaughter House Company, through its president, and the said Geo. W. Carter, be cited; and that after all due proceedings the said injunction be made perpetual, and the said act No. 118, approved 8th March, 1869, be de-
9 clared unconstitutional, illegal, null, and void, and inoperative, as against this petitioner, The Live Stock Dealers and Butchers' Association of New Orleans, its members, and all other parties in interest with them; that petitioner do have and recover judgment against the said Crescent City Live Stock Landing and Slaughter House Company and the said George W. Carter in solido in the sum of three thousand dollars damages, your petitioner reserving the right to sue hereafter for such other and further damages as may be sustained by reason of the illegal and wrongful acts of the aforesaid parties in the premises; and petitioner further prays for trial by jury, and for costs, and all general and equitable relief.

(Signed) FELLOWS AND MILLS,
" COTTON AND LEVY,
CAMPBELL, SPOFFORD AND CAMPBELL,
Attorneys.

Affidavit.

Personally appeared William Fagan, who, being duly sworn, deposes and says that he is the president of The Live Stock Dealers and Butchers' Association of New Orleans, a corporation duly incorporated under and by virtue of the private corporation laws of the State of Louisiana, and that all the allegations and statements of facts in the foregoing petition are true and correct, and that an injunction is necessary.

(Signed) WILLIAM FAGAN.

Sworn to and subscribed before me this 22d July, 1869.

(Signed) T. WHARTON COLLENS, *Judge.*

Order.

Let a writ of injunction issue, as prayed for, on petitioner's giving bond, with good and solvent security in the sum of ten thousand dollars, according to law.

New Orleans, 22d July, 1869.

(Signed) T. WHARTON COLLENS, *Judge.*

Bond.—Filed July 22d, 1869.

Know all men by these presents that we, The Live Stock Dealers and Butchers' Association of New Orleans, as principal, and Richard England and A. D. Finley, as surety, of the city of New Orleans, and State of Louisiana, are held and firmly bound unto The Crescent City Live Stock Landing and Slaughter House Company and Geo. H. Carter, and all other parties in interest, their executors, administrators, heirs, and assigns, in the sum of ten thousand dollars, lawful money of the United States of America; for which payment, well and truly to be made to the parties last aforesaid, their executors, administrators, heirs, and assigns, we bind ourselves in solido, and each of our executors, administrators, heirs, and assigns, firmly by these presents, sealed with our seals, and dated the 22d day of July, 1869.

Whereas the said Live Stock Dealers and Butchers' Association has this day presented a petition to the seventh district court for the parish of Orleans, praying a writ of injunction to issue against The Crescent City Live Stock Landing and Slaughter House Company and Geo. W. Carter:

Now, the condition of the above obligation is, that we, the above-bound principal and surety, will well and truly pay to the said Crescent City Live Stock Landing and Slaughter House Company and Geo. W. Carter, and all other parties in interest, the defendants in said suits, all such damages as they may recover against us in case it should be decided that the said injunction was wrongfully obtained.

(Signed) WILLIAM FAGAN, [L. S.]
President L. S. D. and B. A. of N. O.

" RICHARD ENGLAND. [L. S.]

" A. D. FINLEY. [L. S.]

Act of incorporation of The Live Stock Dealers and Butchers' Association of New Orleans, annexed to petition.—Filed July 22d, 1869.

12

21st July, 1869.—The Live Stock Dealers and Butchers' Association of New Orleans.—Act of incorporation.—50 c. U. S. R. stamps affixed and cancelled.

STATE OF LOUISIANA, *Parish of Orleans:*

Be it known that on this the twenty-first day of the month of July, A. D. eighteen hundred and sixty-nine—

Before me, John French Coffey, a notary public in and for the parish aforesaid, commissioned and sworn—

Personally appeared Paul Esteben, Louis Ruch, Jean Pierre Rouede, William Maylie, Solomon Fimberg, Barthelemew Beaubia, William Fagan, Jos. Daniel Broderick, Nicola Seibel, Martin Lannes, Jos. Gitzinger, Jourdan T. Aycock, and Dominique Verges, all of lawful age, of this and the parish of Jefferson—

Who declared that, for themselves, their associates, and successors, they hereby form themselves into a joint-stock company or special corporation, under the private corporation laws of the State of Louisiana, and they hereby adopt the following articles:

ARTICLE FIRST.

The name and style of the corporation shall be "The Live Stock Dealers and Butchers' Association of New Orleans." It shall ex-
13 ist for the term of twenty-five years from the twenty-first day of July, eighteen hundred and sixty-nine, and its domicile shall be in the city of New Orleans.

ARTICLE SECOND.

The corporation is formed for the purpose of purchasing land or leasing the same in or near the city of New Orleans, and of erecting, or permitting members of this association to erect, thereon suitable buildings, with all the necessary implements and machinery thereto attached or connected sufficient for the slaughtering and preparing the meat of all animals designed for food, such as beef cattle, calves, sheep, hogs, etc., and for manufacturing all parts of such animals as may be slaughtered therein as are not suitable for food, and converting the same into articles of commerce and use in the various arts, and to this end to build manufactories of all kinds necessary for this purpose, whether mechanical, chemical, or otherwise, and to erect docks, wharves, landings, stables, provide and arrange yards and enclosures suitable, and such as may be required, for the landing, yarding, feeding, keeping, sheltering, and preserving all such animals and other articles of commerce as may be purchased, imported, or bought by the company, or any of its members, or any other person or corporation, to the place where the works of the corporation shall be located, and in connection with the
14 slaughtering of animals and keeping and preparing their meat for food, or for manufacturing all such parts of animals as are not used for food into articles of commerce and use in the arts, the whole under the direction and control of a board of managers hereinafter provided for.

ARTICLE THIRD.

The capital stock of the corporation is fixed at three hundred thousand dollars, ($300,000 00.) The stock to be divided into six thousand

shares of fifty dollars ($50 00) each, and of which ten per cent. shall be paid in cash at the time of subscribing to the committee of nine heretofore appointed at the meeting of stock-dealers and butchers of New Orleans and Jefferson, and the remainder to be paid as called for, after organization, by the board of managers, in instalments not oftener than once in every 30 days, nor in sums greater than five per cent. of the amount subscribed.

ARTICLE FOURTH.

Books of subscription shall be opened by the committee of nine designated by article three, and so soon as one hundred thousand dollars ($100,000 00) of the capital stock shall have been subscribed the committee of nine receiving the subscription shall give notice to the subscribers in writing, immediately, of the time and place at which the first board of managers are to be elected, and at the hour and place
15 fixed. The committee of nine, or a majority of them, shall assemble and receive the votes of the stockholders, each share of stock having one vote for nine managers, a majority of whom shall form a quorum, and they shall, after the expiration of the time previously fixed by them in their notice, proceed to sort and count the votes cast for managers; and those parties voted for as managers who shall receive the highest number of votes, provided a majority of the stock shall have been voted, shall be declared elected, and a certificate of their election shall be issued to them by the commissioners of election.

The parties thus elected shall, as soon as may be, meet and organize by the choice of one of their number for president and of another for a vice-president; and they shall elect a secretary and a treasurer.

On the first Monday of each January an annual meeting of the stockholders shall be held, at which a board of managers shall be elected under the regulations as is herein provided for the electing the first board, the election to be presided over by the commissioners to be appointed by the board of managers, not of their own number, provided that, should the annual election fail for any cause, another meeting for the election of managers may be held at any subsequent day after ten days'
16 notice, in two newspapers published in New Orleans, of the time and place of such meeting; and it shall be the duty of the board of managers to issue such notice; and provided further, that one board of managers shall hold over and continue to act until a new election is held.

ARTICLE FIFTH.

The board of managers shall possess and exercise all the powers of the corporation not inconsistent herewith or contrary to law, and shall at each annual meeting have prepared and present to the stockholders a complete statement of the financial affairs of the corporation, sworn to by the secretary.

And should the corporation be dissolved for any cause, or when its charter shall expire, the last board of managers shall proceed with the liquidation of its affairs and the distribution of its assets.

ARTICLE SIXTH.

The company shall have power to sue and be sued in its corporate name, and to take all legal proceedings necessary for the interest of the

corporation, through its president, on whom all legal processes shall be served.

ARTICLE SEVENTH.

The board of managers shall have power to enact all bye-laws and to elect such other officers as are not herein specified as may be re-
17 quired for the management and government of the corporation.

ARTICLE EIGHTH.

The slaughter-house and establishment, wharves, docks, landings, stables, yards, and enclosures, and all other public buildings and places required for carrying on the business of the corporation, shall be located and erected and fixed on the tract of land known as the "Delery Place," owned by Charles Cavaroc, situate and lying partly in the parish of St. Bernard and partly in the parish of Orleans, on the left bank of the Mississippi River; and said buildings and other improvements, yards, etc., etc., shall, for the present, be built and erected, etc., on that portion of the said tract of land situate and lying in the parish of Orleans. At any subsequent time the buildings and other improvements, yards, and enclosures, etc., may be extended or erected on the other portion of said land, as the necessities of the corporation may require.

Done and signed in the city of New Orleans, on the day aforesaid, in the presence of J. B. Gervais Arnoult, and Francis Blust, witnesses, of age, of this parish, who have signed with the appearers and me, notary, after reading hereof.

(Origina signed.)

PAUL ESTEBEN.
J. P. ROUEDE.
S. FIMBERG.
WILLIAM FAGAN.
NIC. SEIBEL.
J. GETZINGER.
LOUIS RUCH.
W'M MAYLIE.
B. BEAUBIA.
18 JOSEPH D. BRODERICK.
MARTIN LANNES.
J. T. AYCOCK.
DOMINIQUE VERGES.
J. B. GERVAIS ARNOULT.
FRANCIS BLUST.
PAULIN LASSALLE.
J. F. COFFEY, *Not. Pub.*

I, the undersigned notary, certify the foregoing to be a true copy of the original act in my office.

New Orleans, 22d July, 1869.

[L. S.] (Signed) J. F. COFFEY, *Not. Public.*

I, the undersigned, deputy recorder of mortgages in and for the parish and city of New Orleans, do hereby certify that the within act of incorporation has this day been duly recorded in this office in book Society 7, fol. 316.

New Orleans, twenty-third July, 1869.

[L. S.] (Signed) A. DUCATEL, JR.,
Dep'y Recorder.

Writ of injunction.

State of Louisiana, seventh district court for the parish of Orleans.

THE STATE OF LOUISIANA:

THE LIVE STOCK DEALERS AND BUTCHERS' ASSOCIATION of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Co. et al.
} No. 1883.

19 To The Crescent City Live Stock Landing and Slaughter House Company, thro' its president, and its president, officers, agents, servants, employees, and attorneys, and to Geo. W. Carter, his deputies, agents, servants, employees, and attorneys, each and all, greeting:

You are hereby commanded, enjoined, and restrained, in the name of the State of Louisiana and of the seventh district court for the parish of Orleans, from, in any form, way, or manner, molesting, hindering, or interfering with, or attempting to hinder or interfere with, the petitioner, or any of its officers, agents, or employees, in erecting wharves, landings, yards, pens, slaughter-houses, and other buildings or manufactories, or in any way of landing stock at the said landing-places of the plaintiffs as fixed by its act of incorporation, or in yarding, stabling, or keeping such stock at the pens, yards, and stables of the corporation as aforesaid, or in slaughtering animals, and preparing the meat thereof for market at the said slaughter-houses to be erected by this corporation, the plaintiffs, at the place designated in their act of incorporation, by force, or suit, or otherwise, in the exercise of their rights, privilege, or business of buying, receiving, stabling, keeping, protecting, slaughtering, butchering, or preparing for market, in the parishes of
20 Orleans, Jefferson, and St. Bernard, or of manufacturing the part of animals not suitable for food into materials and articles of commerce and use in the arts, at the place of business of plaintiffs, as designated in their said act of incorporation, viz, the Delery Plantation, on the left bank of the Mississippi River, descending below the United States barracks, and lying and situate partly in the city of New Orleans and partly in the parish of St. Bernard.

And you are thus enjoined until the further order of this court.

Witness the Honorable Thomas Wharton Collens, judge of our said court, this 22d day of July, in the year of our Lord one thousand eight hundred and sixty-nine, and in the 94th year of the independence of the United States.

[L. S.] (Signed) GASP'D JAMES,
Dep'y Clerk.

Sheriff's return.

Received July 22d, 1869, and on the same day served copy of the within writ of injunction on Crescent City Live Stock Landing and Slaughter House Company, through J. H. McKee, secretary, in person.

Returned same day.

(Signed) P. FREEMAN,
Dep'y Sheriff.

And on the same day served copy of the within writ of injunction personally on George W. Carter.

21 Returned same day.

(Signed) P. FREEMAN,
Dep'y Sheriff.

Citation.

State of Louisiana, seventh district court for the parish of Orleans, in the city of New Orleans.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Company et al. } No. 1883.

To The Crescent City Live Stock Landing and Slaughter House Company, through its president:

You are hereby summoned to comply with the demand contained in the petition, of which a copy accompanies this citation, or deliver your answer to the same in the office of the clerk of the seventh district court for the parish of Orleans, on Chartres st., between St. Ann and St. Anthony alley, in ten days after the service hereof.

Witness the Honorable Thomas Wharton Collens, judge of the said court, this 22d day of July, in the year of our Lord 1869.

[L. S.] (Signed) EUG. MARTIN,
Dep'y Clerk.

22 *Sheriff's return.*

Received July 22d, 1869, and on the 23d day of the same month and year served copy of the within citation and accompanying petition on The Crescent City Live Stock Landing and Slaughter House Company, one of the defendants herein, by leaving the same at the office of the said company, corner of Carondelet and Common streets, in the hands of Jno. H. McKee, secretary of said company, the president being absent at the time of said service; all of which facts connected with this service I learned by interrogating the said McKee.

Returned same day.

(Signed) PHILIP LACOSTE,
Dep'y Sheriff.

Citation.

State of Louisiana, seventh district court for the parish of Orleans, in the city of New Orleans.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Company et al. } No. 1883.

Mr. GEORGE W. CARTER, *of New Orleans:*

23 You are hereby summoned to comply with the demand contained

in the petition, of which a copy accompanies this citation, or deliver your answer to the same in the office of the clerk of the seventh district court for the parish of Orleans, on Chartres street, between St. Ann and St. Anthony alley, in ten days after the service hereof.

Witness the Honorable Thomas Wharton Collens, judge of the said court, this 22d day of July, in the year of our Lord 1869.

[L. S.] (Signed) EUG. MARTIN,
Dep'y Clerk.

Sheriff's return.

Received July 22d, 1869, and on the 23d day of the same month and year served copy of the within citation and accompanying petition on Geo. W. Carter, one of the defendants herein, by leaving the same at his domicil, at the city hotel, corner of Camp and Common streets, in the hands of O. F. Hickle, a white person above fourteen years of age, living and residing in the same domicil, the said Carter being absent from home at the time of said service; all of which facts connected with this service I learned by interrogating the said Hickle.

Returned same day.

(Signed) PHILIP LACOSTE,
Deputy Sheriff.

24 *Answer.—Filed August 7th*, 1869.

Seventh district court for the parish of Orleans.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Company.
} No. 1883.

The defendant now comes and, for answer to the petition of the plaintiff, says:

First. That the pretended Live Stock Dealers and Butchers' Association of New Orleans is not a corporation under the laws of the State of Louisiana, and the same has not the capacity to sue or be sued, for the reason that the objects and purposes of said pretended corporation, as expressed in the act of incorporation and in said petition, are in violation of the laws of the State, and particularly in violation of the provisions of the act of the legislature of this State, approved March 8th, 1869, entitled "An act to protect the health of the city of New Orleans, to locate the stock landings and slaughter-houses, and to incorporate The Crescent City Live Stock Landing and Slaughter House Company," which act is in full force and validity; wherefore the said pretended plaintiff can have no status in court, and said petition must be dismissed.

Second. And the defendant further says that if the pretended
25 plaintiff has been legally incorporated and could have a status in court, still the objects and purposes expressed in said petition cannot be legally carried out for the reason that the same are in violation of the provisions of the said act of the legislature, approved March 8th, 1869, as aforesaid; that defendant has been duly organized under said act of the legislature of this State, and has fully complied with and performed all acts and things prescribed in said act as conditions-

precedent and necessary to give to the defendant the sole and exclusive right and privilege to do and perform, at the place mentioned and described in said petition, all the matters and things contemplated and expressed in said petition to be done by the plaintiff.

Third. The defendant, further answering, denies all and singular the allegations contained in said petition which are not admitted in his answer, and denies that said act of the legislature, approved 8th March, 1869, No. 118, is unconstitutional, null, and void, under either the constitution of the State of Louisiana or of the United States, but, on the contrary, the defendant avers that the said act approved 8th March, 1869, is consistent with the constitutions of this State and of the United States, and that it is valid and binding in all respects, and that defendant has the sole and exclusive right and privilege to do and perform all and singular the powers, matters, and things expressed in and
26 conferred by said act approved March 8th, 1869, and that the acts and things contemplated and expressed in said petition threatened to be done and performed by the plaintiff are illegal and in violation of the rights and privileges of the defendant; and if the plaintiff is permitted to carry out said objects and to do the acts contemplated and expressed in said petition, the same will work a great and irreparable injury to the defendant.

Wherefore defendant prays that the said petition be dismissed, and the injunction granted be dismissed, and that there be judgment rendered perpetually enjoining and restraining the plaintiff from doing and performing all the acts and things contemplated and expressed in said petition, and that there be judgment in favor of defendant for costs and for general relief.

(Signed) SHELDON AND HENDERSON,
Att'ys for Def't.

Rule to dissolve injunction.—Filed October 27th, 1869.

Seventh district court for the parish of Orleans.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Company et al.
No. 1883.

27 On motion of Horner, McCaleb and Sheldon, attorneys for defendants—

It is ordered by the court that plaintiff do show cause, on Wednesday, the 3rd day of November, 1869, at ten o'clock a. m., why the writ of injunction herein issued should not be quashed and set aside on the following grounds, viz:

1°. That the security on the bond for injunction is not such as the law requires.

2d. That said bond is not sufficient in amount.

3d. That said injunction was illegally and improvidently issued.

4°. That said writ was issued in violation of the laws of this State, and specially in violation of the ordinances of the city of New Orleans relative to the erection, carrying on, etc., of slaughter-houses, etc.

Sheriff's return.

Received October 27th, 1869, and on the same day, month, and year

served a copy of the within rule on plaintiff, through Cotton and Levy, attorneys, by personal service on J. B. Cotton, attorney, a member of said firm.

Returned same day.

(Signed) GEORGE H. TARDY,
Dep'y Sheriff.

Order, rule dismissed.

28 Extract from the minutes, Nov'ber 3d, 1869.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Co. et al. } No. 1883.

The rule herein taken on the 27th ult., on the plaintiff to dissolve the injunction herein issued, came on to-day for trial—present, J. P. Hornor and E. H. McCaleb, for plaintiffs in rule; present, J. B. Cotton for defendants herein—when, after hearing pleadings and the waiver of the first and second grounds of the rule, and the agreements of counsel, the court, considering the law under the pleadings to be with the plaintiffs in this cause—

Ordered and decreed that said rule be dismissed, with costs.

Order and continuance.

Extract from the minutes, Nov'ber 19th, 1869.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of N. O.
vs.
THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Co. et al. } No. 1883.

29 It is ordered by this court that this case, fixed for this day and not reached for want of time, be continued and fixed for the first open day.

Testimony.—Filed November 24th, 1869.

Seventh district court.

Testimony, taken by consent in the clerk's office, November 24th, 1869, to be used in all similar cases in this court.

LIVE STOCK DEALERS AND BUTCHERS' ASSOCIATION of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Co. } No. 1883.

PETER GARDER, sworn for plaintiff, testified as follows:

Q. How long have you lived in New Orleans?
Ans. I was born and raised here.

Q. Where do you now live?
Ans. Corner of Maine and Royal streets.
Q. What is your business?
Ans. Butcher.
Q. How long have you been engaged in it?
Ans. My lifetime.
Q. Have you visited the slaughter-house works in Algiers?
Ans. Yes, sir.
Q. When?
30 Ans. Before they first went up—the first digging of the ground.
Q. Where you there during the month of May?
Ans. Before.
Q. In May?
Ans. The 1st of June too.
Q. What was the capacity of those works for slaughtering on the 1st of June?
Ans. About, maybe, a hundred; maybe a little more could be killed there.
Q. Did you see about how many head of cattle could have been killed there on the 1st June?
Ans. Maybe a hundred heads.
Q. What is the largest number that could be killed there in a day?
Ans. About a hundred heads, I suppose.
Q. Were the works completed on that day?
Ans. No, sir; you mean the building?
Q. Yes, sir.
Ans. No, sir.
Q. The arrangements of killing, were those completed?
Ans. No, sir.
Q. What were the stables' capacities?
Ans. The stables were ready.
Q. For how many?
Ans. As many beef as you want inside and outside.

Cross-examination:

Q. How many stables for butchers were ready in the slaughter-house building for killing on the 1st of June?
31 Ans. All the stables were ready; plenty of stalls, more than they need.
Q. What was lacking; you say it was not completed?
Ans. All the beef-trees were not ready; a few of them were, but they were too high; they would have to reach up to them; they had to take everything down and fix it over again; they had no hooks; and a good many butchers had to buy hooks out of their own pocket.
Q. That was what was lacking?
Ans. Yes, sir. Another thing, after the beef was killed they had only one passage to come out; and if all the butchers came there they had no way to go in and to come out. I was there every day. I had a beef killed there myself, and could not take it through; the beef was laying on the floor; I had to give it away.
Q. After you had killed it?
Ans. Yes, sir.
Q. What was the reason of that?
Ans. They had nothing handy to carry the meat through.
Q. You mean, to carry it out of the slaughter-house?
Ans. Yes, sir; and they had nothing to kill it and clean it.

Q. Didn't you see on the 1st of June other butchers at work there killing and skinning?

Ans. Yes, sir; there at the same time.

Q. Wasn't there plenty of apparatus there for you too?

Ans. They brought everything themselves.

32 Q. Wasn't there plenty of apparatus there for you and everybody else?

Ans. Not all of us.

Q. For what went there, wasn't there enough?

Ans. No, sir.

Q. What was lacking for what went there?

Ans. We wanted some beef-trees.

Q. There wasn't enough there for everybody?

Ans. No, sir; some had to bring their own tackle from home.

Q. That was on the 1st of June?

Ans. We had no place to put away our beef. On the day before I saw men who had to bring it away.

Re-direct examination:

Q. How many tackles were there there altogether?

Ans. I didn't count it. There was maybe a quarter of it.

Q. A quarter of the whole number?

Ans. Yes, sir.

Q. How long before it was completed?

Ans. It was complete, maybe, about a week afterwards.

Q. To what extent?

Ans. Everything ready.

Q. What was the capacity in a week after?

Ans. I suppose—I don't know exactly how many beef they could kill altogether.

Q. Could all the butchers kill there?

Ans. I don't beleive the whole building sufficient.

Q. What portion of them could have killed there?

33 Ans. Maybe they could kill about four or five hundred beef there; that is what I thought.

Re-cross examination:

Q. And what you mean, of course?

Ans. Yes, sir; that is what I calculated.

P. SARTHOU, sworn for plaintiffs, testified as follows:

Q. How long have you been a butcher?

Ans. About twenty-nine years; not in this country; I have been here about 18 years.

Q. Were you at the slaughter-house works at Algiers on the 1st of June, 1869?

Ans. I have been there some the second day.

Q. What was the capacity for butchering of that slaughter-house then?

Ans. I examined it to see if everything was ready. For my part, I killed mutton; but I think it was for about to kill 25 sheep. We were killing about 300 every day. I killed about that much for myself. I killed 20 some days.

Q. That was on the 2d of June?

Ans. Yes, sir.

Q. What was the capacity for killing beef?

Ans. Well, a few butchers there killed; but it was not ready, not for a quarter of the butchers to kill there.

Cross-examination:

Q. How many butchers were killing there that day?

Ans. About ten.

34 Q. Could not there have been more killing there if they had come?

Ans. Yes, sir.

Q. Do you mean to say that no more than 25 sheep could be killed there in a day, if everybody went there?

Ans. No, sir; no more; there's no hooks to hang them up.

Re-direct:

Q. Was there anything ready there for skinning?

Ans. There was only two; but we need forty or fifty to lay the sheep on schrangers.

AUGUSTUS C. MERKEL, sworn for plaintiff, testified as follows:

Q. How long have you been a butcher?

Ans. All my life. I was born a butcher. I am fifty-five years of age.

Q. How long have you been in New Orleans?

Ans. About 35 years.

Q. Did you examine the slaughter-house works at Algiers on the first of June last?

Ans. Yes.

Q. In what condition did you find them as to capacity for slaughtering?

Ans. I found them at work there fixing and getting ready a good many things, rigging-blocks and tackles. I saw them. I saw Jonas Pickles there, which I believe was one of the company.

35 Q. What did you see of the building?

Ans. The building? I told him that I didn't think how, if the butchers were to come here at present, you wouldn't be fixed for them.

Q. How was it?

Ans. They had a few blocks and tackles but I believe, and I believe they might have hung some 20 or 30 head of cattle. I didn't count the blocks and tackles, but I presume they could hang that many on all the blocks and tackles they had rigging for.

Q. What number of places for slaughtering sheep?

Ans. Sheep, as this gentleman just stated, I didn't see but two schrangers.

Q. What is a schranger?

Ans. A schranger is a sort of a box, made with four legs, like a trough, and sits up about four feet high, to lay the sheep on to stick it, and clean it, and leg it, ready to hang up and take the pelt off. That is a schranger that is used for killing calves and sheep.

Q. And hogs?

Ans. No, sir.

Q. How many did you see there?

Ans. Two is all that I saw.

Q. Did you look about there some time?

Ans. Yes, sir; I was there all day. Took dinner with them; in fact, they had a little lunch above there; I went up.

Q. What was the actual condition that day for butchering? How many heads of all kinds?

36 Ans. I don't think they could have accommodated more than 30; but they didn't kill but five, and two sheep; about thirty to hang on the tackles. If a beef is cut off the tackles when it is warm it injures it for market purposes. It draws the beef of the ribs.

Q. Suppose they had taken it off, what accomodations did they have?

Ans. There was no hooks to hang it on.

Q. Were you there after that?

Ans. Yes, sir.

Q. The next day?

Ans. Yes, sir; for three days. I went over there every day just to see how they were working.

Q. What progress had they made in building it then?

Ans. It was not fixed to kill more than twenty-five or thirty head every day that I was over there.

Q. About how many cattle are there killed in New Orleans on an average every day?

Ans. There is over five hundred in one day. I have killed as high as fifteen or eighteen heads myself for our concern down in the French market.

Cross-examination:

Q. I understand you to say that there was accomodations over there for all that were killed?

Ans. For all that were there. There was other butchers there that would have killed.

Q. All that were there killing had accommodations?

Ans. I presume they did.

Q. Suppose that all the butchers were at work there, how many could they have killed in a day?

37 Ans. I don't think they could have got along at all; there would have been confusion among them; they could not have got along; they could not have killed.

Q. How many could they have killed if they had all been there—all the butchers of New Orleans?

Ans. They could go out on the prairie and kill three thousand.

Q. I am not talking about the prairie. How many head of cattle could they have killed over there if all the butchers had been there?

Ans. In a butcher-like manner suitable for market?

Q. Any way you please.

Ans. I don't think they could have killed any suitable for market. There would have been a sort of a drag-in and drag-out concern. They would not have been prepared for it.

Q. State what was lacking there to prevent them from killing.

Ans. In the first place, they had no beef-trees. They had boxes fixed in an unusual way, that when the cattle was hoisted they had to get a step ladder to cut the beef. There was an old negro belonging to Mr. Lowry that got a step ladder to split the beef. I could walk almost under the neck of the beef. If it was hoisted the usual way it would let the neck come very near the floor, so that the butcher having hoisted one, puts his beef on the hook and splits his beef. There was no beef-

38 trees. There was but one of them, my son-in-law made himself. He told me he had made it himself the day before. He had killed the day before, on the trial, and made one beef-tree. They made one beef-tree for a butcher after that.

Q. That was the reason why you could not kill?

Ans. Yes, sir.

Q. Was there room enough?

Ans. Room enough, if there had been rigging in it. In the first place, the slaughter-house was not rigged right, and then they had not rigging to kill that many cattle.

Q. What do you mean by the slaughter-house not being rigged right?

Ans. Being prepared to hoist cattle. You can't kill beef on the floor in market style. It must be hoisted. And there was not room enough to kill that many cattle if all the butchers had been there.

Q. What was the condition for the reception of stock?

Ans. There was stables enough to hold stock enough, but there was not slaughter-house room enough.

Q. There was not slaughter-house room enough?

Ans. No, sir.

Q. How much slaughter-house room was there?

Ans. Well, I did'nt measure the building. I don't know how much it was exactly.

Q. How many butchers are there in New Orleans, St. Bernard, and Jefferson?

Ans. Well, I could'nt tell you exactly.

Q. But what is your estimate? Men that kill, I mean.

39 Ans. There is over a thousand.

Q. Over a thousand men who kill?

Ans. Yes, sir.

Q. Are there over a thousand men who kill for market?

Ans. Yes, sir.

Q. Isn't it the custom among butchers here who sell meat to have their butchering done by other butchers?

Ans. Some of them do, and some don't.

Q. And you think there are a thousand men here who do butchering in these three parishes?

Ans. There is over a thousand that have stalls in the market and sell meat.

Q. I know that. That is not the question. I asked you how many there are that kill. There is no catch about this at all. I want to know from you about how many there are in the three parishes who make it a regular business to kill.

Ans. For instance, I have got a slaughter-house, and I have got more room than I want myself. A friend of mine comes to me; says he, "Merkel, can I kill in your slaughter-house?" and charge him the regular slaughter-house rates. He goes to the stock-landing and gets a bull-driver to drive it to me. I do the killing. I know where his stall is, and I deliver it. I put him so much out. I salt his hide with mine, and put a rope in his nose to tell it.

Q. How many are there that kill in the three parishes?

40 Ans. Well, I presume there is between five hundred and a thousand different slaughter-houses between that.

Q. You couldn't make it any nearer than that?

Ans. Well, I couldn't guess exactly. I never counted all the slaughter-houses in the parish of St. Bernard. I don't know how many there was about there. Jefferson runs up pretty high. There might be more killing.

Q. That sell in the market in New Orleans?

Ans. They might kill for the Balize pilots.

Q. For New Orleans?

Ans. I don't know whether they kill above for this market or not.

Q. Do you know that there are a hundred butchers who kill for this market?

Ans. Yes, sir.

Q. Do the absolute killing and slaughtering themselves?

Ans. Yes, sir.

Q. Have you ever been over there since the 1st of June; been over there lately?

Ans. No, sir; I was over there the first and second only.

Q. Have you been there since?

Ans. Several times.

Q. How many butchers have you ever seen at work there?

Ans. Seven cattle were the most I ever saw killed there. They were killed by three or four butchers.

Q. How long ago was that?

Ans. Last summer; last June.

41 Q. Have you been there since?

Ans. No, sir.

Q. Not since last June?

Ans. No, sir.

Q. During the month of June, seven at a time were the most that you ever saw?

Ans. Yes, sir.

Re-examination:

Q. Accomodations for what number of cattle were there in that building for slaughtering?

Ans. I don't think there could have been, the last time I looked at it, for more than 30 head, to let them swing and to have the beef dressed.

Q. Suppose you should put in all the tackles?

Ans. All that they had, after the beef was dressed, they had to let them swing on the block and tackle.

Q. Supposing you could put into that building all the machinery you wanted, how many could be killed a day?

Ans. To have them kept clean and nice for market, I don't think there could be killed more than three hundred head there.

Q. In that building?

Ans. To kill them properly, clean, and nice.

Q. If all the machinery for cutting it up had been put in?

Ans. Yes, sir; nice and clean. A butcher wouldn't kill in a place like that, where they knock down and drag out. The capacity for kill-

42 ing hogs and sheep—there was not scarcely any for killing hogs; for they had no chopping-blocks to chop the sausages; and a pork butcher couldn't get along at all; it would have been impossible for him to kill. They had a kettle there to scald the hogs, but no place to hang up the hogs, or put the guts, and make blood-puddings and sausages. There was no accommodations for that at all. It would have been impossible for them to kill there; for their children would have to come there and help them to clean the guts and turn the guts. They would have to take a cart and haul their whole family down there to get along. There was no accommodation, only a scalding-pot.

Q. Was that sufficient for scalding all the hogs killed in New Orleans?

Ans. No, sir.

Q. For about how many?

Ans. If they had all wanted to go down they might have killed five or six in each kettle.

Q. How many kettles?
Ans. They had two.
Q. How many hogs are there killed here usually in a day?
Ans. From two to five hundred, according to the season of the year and the cheapness of the hogs.
Q. How many cattle are there killed a day, on an average?
Ans. There are more killed in the winter than in the summer.
Q. Taking the year round?
Ans. Say three hundred all the year round.
43 Q. What is the highest number?
Ans. Sometimes as high as five or six hundred, seven hundred.

Re-cross examination:

Q. About the 1st of June, how many do you kill?
Ans. Well, I suppose about three hundred, at least.
Q. About the 1st of June, how many hogs are usually killed?
Ans. About a hundred a day.

Re-direct examination:

Q. How many sheep?
Ans. About two or three hundred sheep.

PETER GARDERE, recalled for plaintiff, sworn, says:

Q. State why, from the construction of the building, there was no accommodations there for butchers?
Ans. I don't know exactly how long the building is—mighty long. There is only a gangway in the centre to come out. Supposing all the butchers were willing to go and kill, they had no room for all at once to come out and get to the market at three or four o'clock. They ought to have a gangway between each stall. They ought to have room so that each cart could back around the slaughter-house.
Q. There was no such room there?
44 Ans. No, sir; some of them had come back inside the slaughter-house; I saw Watson do it many times, and Howard, in St. Mary's Market. I had meat over there, and could not get it out before daylight.
Q. On account of this?
Ans. Yes, sir; and it is too hard to take the beef on the shoulder.

Cross-examination:

Q. Do you now slaughter beef?
Ans. No, sir; not for some time; I used to for Wilson.
Q. How long since you stopped?
Ans. Three years.
Q. How many butchers are there in New Orleans now who kill, themselves?
Ans. I could not tell you.
Q. How many slaughter-houses are there in New Orleans?
Ans. I couldn't tell you; I never went among the Gascons.

J. P. G. ARNOLT, sworn for plaintiff, testified as follows:

Q. Were you at the slaughter-house in Algiers on the 1st of June?
Ans. I was.
Q. Did you take note of the accommodations there were there for butchers and for the reception of cattle and stock?
45 Ans. I only noted the block and tackle that were hung to the

ceiling for the hanging of the cattle. I counted 40 in one alley and eighteen in another.

Q. Were those all that were there?

Ans. That is all that I saw hung; but then to say that there was no other, I can't say.

Q. Were there any others hung up ready for use?

Ans. I counted them.

Q. Were you there after the first of June?

Ans. No, sir; never afterwards.

Q. What accommodations were there for slaughtering sheep?

Ans. The only thing that I saw for accommodation was this block and tackle; I saw two kettles for boiling water.

Q. Did you see any accommodation for slaughtering sheep?

Ans. I did not, for the fact I did not pay much attention to them; there are boxes made generally; I did'nt notice.

Q. (By counsel for def't.) Whether there was any there or not?

Ans. Yes.

Q. According to your observation, the slaughtering of how many cattle could be done in a day?

Ans. There might be killed, according to the blocks and tackles, about twenty-nine at a time, because each takes two blocks and tackles.

Q. Do you know anything about how many they could slaughter in any one day at the usual hours, slaughtering on each set of tackles?

46 Ans. Well, sir, it is hard to calculate; I think the time generally allowed to kill and prepare a beef properly is one hour.

Q. For each beef?

Ans. Yes, sir; to prepare it and hang it up neatly.

Q. How many hours in the day are they usually engaged in butchering?

Ans. It depens upon what time of the year; in summer they begin to kill about half past five or six in the evening; when it is very warm it is sometimes even later, sometimes after dark. In winter they begin to kill about eleven on twelve o'clock in the day.

Q. (By counsel for def't.) How long do they work?

Ans. I couldn't tell you; they begin at eleven or twelve in the winter, but in the summer they dare not begin until 8 or 9.

Q. How long do they work?

Ans. I couldn't tell you; it depends upon the number they have.

Q. When do they usually quit in the morning; how long do they work?

Ans. I couldn't tell you that, I haven't followed that up; it depends altogether upon the number of cattle they have to kill in each slaughter-house.

Q. The first of June they do not begin before six?

Ans. That is about the time; not before half past five.

Q. What time do they usually get their meat in market?

Ans. From the fourth district they generally start off, some at two and some at half past one, and some at three. They vary.

47 Q. From half past one to three?

Ans. Yes, sir; it depends upon what kind of animals they have in their carts. Those who have slow and light animals start a little earlier.

Q. Suppose they should want to kill six or eight or more one one set of tackle, what would be done with the first beef after it was killed and skinned?

Ans. It would have to be removed.

Q. Was there accommodations for removing them?

Ans. I didn't see any hook there to hang it upon; there was some sort of fixing, and they might if they had gone there; they might fix it some way or other to hang it; but regular hooks, nothing of the kind was in there, unless the intention was to cut the beef immediately and place it in carts.

Q. That would have been the only way?

Ans. I didn't see any other way, unless the animal was moved instantly.

Q. And they could have killed no more than 29 at a time?

Ans. That is all they could have killed with the block and tackle that was there.

Q. About how many could have been erected in the buildings?

Ans. I couldn't tell you precisely. The places were made. I had counted the numbers on each post, but I don't recollect.

48 B. MORGAN HARROD, sworn for defendant, testified as follows:

Q. Were you the architect employed to erect the slaughter-house for The Crescent City Live Stock Landing and Slaughter House Company?

Ans. Yes, sir.

Q. Is this a plan of that slaughter-house, stock, sheds, etc.?

Ans. It was made from memory; but, to the best of my belief, it is quite correct; made on September 3d, 1869.

(Witness refers to plan marked "A.")

Q. Is it correct as to measurement?

Ans. Yes, sir; the figures there are correct.

Q. State what accommodations there were in the slaughter-house on the first of June, 1869, to butcher cattle.

Ans. This slaughter-house was completed as it is drawn on the plan.

Q. How many stables were there?

Ans. There were 107 or 103 pens; that is, that many accommodations for different butchers.

Q. Was that slaughter-house complete enough for butchers the first of June, 1869?

Ans. Yes, sir.

Q. How many cattle could be slaughtered there in a day at that date?

Ans. Well, at one time, there could have been one animal slaughtered at each of these places, I suppose. I saw it done there repeatedly, say in thirty minutes; say an hour, that would certainly be safe; and
49 that would be, as many could be slaughtered as there were hours.

Q. Could there have been five hundred slaughtered there in a day?

Ans. Yes, sir. There could be at the same time a hundred and three slaughtered, and when those were killed, which would take inside of an hour, than a hundred and three more could be killed.

Q. How many cattle would each of those pens hold in the slaughter-house?

Ans. There were two kinds of pens, two sizes, one for the cattle that were to be slaughtered immediately, the other for the cattle that the butchers bought and would keep one, two, or three days. The larger one would hold six or eight, the smaller one barely three; two or three.

Q. Cattle could be easily and immediately run out from one to the other?

Ans. That arrangement was complete; they ran the cattle into the big pens, and then turned them across.

Q. The apparatus, machinery, and fixtures for slaughtering in all these pens, were they ready on the first of June?

Ans. The tackle was ready, but the machinery was not; that is, the steam part.

Q. Was there a set of tackle in each one of these pens?

Ans. Yes, sir; in these all each one.

Q. Finished and complete on the first of June?

Ans. That is my impression; but I cannot swear to that. There
50 was certainly a large majority almost complete. I can't say they were all got up, but I think they were.

Q. How long were you working there after the first of June?

Ans. I left there on the 26th of June.

Q. Were you there on the first of June?

Ans. I was.

Q. Was there enough accommodation for all the butchers that came there that day; that came there to kill?

Ans. There were only two or three that came to kill; ample for those that came.

Q. During the time that you were there until the 26th of June, was there ever a time that butchers came there to kill that there were no accommodations for them?

Ans. No, sir; the entire accommodations were never used while I was there.

Q. What was the accommodations for killing hogs?

Ans. A part of this one end was laid off for hogs; I have forgotten the number, but probably twenty of these little pens. The bars were put closer, and two iron troughs to scald them in.

Q. Were the places opposite?

Ans. That is the end where the smaller numbers are on the plan.

Q. How many hogs could be slaughtered there a day, according to the accommodations on the first of June?

Ans. In each trough, I suppose, there could be three hogs; that would be six. I believe the killing of it, gutting, and cleaning of it takes about half an hour.

51 Q. Was there ever a demand for more room there for killing hogs, to your knowledge? Did any more butchers come there to kill hogs than there was accommodations for, during the time you were there?

Ans. I never heard of it. I don't think I ever saw more than a half a dozen hogs killed; it was hardly ever done at all. If there was any demand for more room, of course, I don't know that was made to me.

Q. On the first of June, this same slaughter-house building, was it all covered in and roofed complete?

Ans. Yes, sir.

Q. Something has been said here about there not being any hooks to hang the beef on after they were slaughtered?

Ans. There were trees, but no hooks; there are two systems here, and I think the French and Spanish butchers, they use hooks without trees. Provision was made for the usual manner of trees.

Q. Was the accommodation sufficient to accommodate five hundred a day?

Ans. I don't remember; there was a large pile of them.

Q. There were more than two?

Ans. Of course; it was a question whether those were to be regarded as the tools of a butcher's trade or not, and whether the company was expected to furnish them; at any rate, a great many were made.

Q. Of these trees?

Ans. Yes, sir.

Q. There were places made to hang those trees upon?

Ans. Yes, sir; and there were boxes, as they were called
52 There were two boxes in front of each killing place; two at every. slaughtering place; a hundred and three or a hundred and seven pair of boxes.

Q. How long and how wide is this grand slaughter-house?

Ans. 467 feet long and 100 feet wide at the lower end, and 80 feet wide at the upper end.

Q. What accommodations were there for the reception of stock on the first of June, 1869?

Ans. Shed 1 and shed 2 were completed long before pen No. 1 and pen No. 2 were completed.

Q. About shed No. 3?

Ans. I can't say whether that was completed or not. It was within two, three, or four days after.

Q. And sheds Nos. 4, 5, 6, 7, 8, and 9?

Ans. They were just being completed when I left there. I think they were completed within a month or so.

Q. How many head of cattle would these sheds and pens that were completed hold?

Ans. Each of these sheds Nos. one and two would hold eleven hundred and twenty-five cattle.

Q. How much would pens Nos. 1 and 2 hold?

Ans. Well, those were just to drive a herd of cattle in. You could drive, I suppose, easily a hundred to a hundred and fifty into each. They were about a hundred feet square; they were designed to hold any lots that came in on the steamships.

Q. Were you over there on the 1st of June, 1869?

Ans. I think I was there every day about that time.

Q. Were these pens and sheds enough to hold all the cattle that came there while you were there?

53 Ans. Yes, sir; so far as I know, these were. I never knew of any refusal.

Q. It has been objected by some witnesses on the other side that the accommodations in this slaughter-house were not sufficient to enable each and every one of the butchers, when they were done killing, to take in their carts and take their meat out, as there was only one entrance in the middle. Was there any other way through which meat could be carried out, except through this one entrance?

Ans. The original design was to have each of these sides 18 feet, which, it was calculated, would allow for the beeves to be hung, and then a cart to drive along. That was the intention. I believe it could be done; that is, on each side of the drain, eighteen feet roadway; and it was calculated that three beeves would still allow an open roadway.

Q. Was that original design carried out in the erection of the slaughter-house?

Ans. Yes, sir; when I say it was carried out, there was never any very active business. I have seen butchers' carts in there.

Q. Was there ever any difficulty in taking out beef that was slaughtered?

Ans. I never saw any. There never was a great deal there, but I never saw any difficulty.

Q. In your judgment as an architect, was there any difficulty? Suppose that every stall was occupied, and every butcher wanted to carry out

his beef, could it have be done easily and without confusion?

54 Ans. Yes, sir; of course, the whole thing was meant to work with a system. I suppose with a system it could have been done.

Q. So the five hundred could have been carried out?

Ans. Five hundred could not be kept in there at one time. Each pen would hold three, and then kill others; that would be three times one hundred and seven.

Q. You calculate that while some would be killing, others would be occupied in carrying it out?

Ans. No; the idea was that there would be a certain killing hour, and after that the carts would carry it out.

Q. After the carts had gone, killing was to go on again?

A. Yes, sir.

Q. Have you any knowledge of the butcher business?

Ans. None, except what I have gain in examining the works up above the city.

Q. Have you any idea how many butchers there are who absolutely kill?

Ans. I suppose they are much fewer than usually stated. I don't believe there are more than a hundred men who kill, themselves.

Q. Have you any idea how many slaughter-houses there are in New Orleans?

Ans. No, sir; some men kill for two or three. They kill, and divide it, and supply the men who sell in the market.

Cross-examination:

Q. What is the length of the slaughter-house?

55 Ans. Four hundred and sixty-seven feet. I think it is four hundred and sixty-six feet and ten inches, or something of that sort.

Q. Are there any openings on the side "A" "C?"

Ans. There is one in the middle and the two end openings.

Q. On the side end there is only an opening in the middle?

Ans. Yes, sir.

Q. How wide is that opening about?

Ans. The width of one of these pens left out, 8 feet.

Q. The pens, you think, are eight feet wide each?

Ans. Yes, sir; they average that; some of them are a little more, and some a little less; eight feet is what we aimed at.

Q. Your lines drawn on the plan do not meet from the outside towards the centre. What is that space in between there for?

Ans. It is to fill these large pens with the cattle which the butcher might have; and then there is a system of gates, which gates closed on the two sides, making a cross-passage, so that a butcher having cattle in there can drive two or three, and then close the gates, which opens the passage-way through. It was intended, too, to run a little train way to deliver the meat.

Q. These plans, next to the outside, will accommodate each one how many cattle?

Ans. They are eight by twenty-four feet. Well, I suppose about six or eight; six certain.

Q. In the first row, the stalls?

56 A. They are eight by ten. I have seen three in them; three crowded them.

Q. How wide is that centre space—the open space?

Ans. Thirty-six feet, twice eighteen. I think it is 36 and the drain.

Q. How many tackle were there up there for hanging up cattle on the first of June?

Ans. That I could not say, but there were more than half of the number; more than were used while I was there.

Q. I want to know how many were up?

Ans. I don't know that. There were a good many. A man was making them and delivering them daily; he had not finished his job. There were some delivered afterwards.

Q. When the beef was taken down, where was it carried at, in order to get it out of the way and slaughter another?

Ans. The slaughtering was right in the way; it was killed in this little pen, and was dragged out by machinery, and was hoisted up; these boxes are coupled to parallel beams, and the tree hangs over. It was shoved down on the boxes as near the drain as you could get it. The calculation was that there could be three of these put one in front of another, and than allow a cart to pass.

Q. And two or three were to be left in these boxes?

Ans. Yes, sir; hanging there.

Q. And your calculation was that you could slaughter there at any one time only three on each sett of boxes?

57 Ans. Yes.

Q. Was there any other arrangement for slaughtering anything except what were in the building, marked here A, B, C, D?

Ans. No, sir; nothing outside of these—this box system that I speak of; of course, the part they prepared for sheep and hogs had hooks instead of boxes.

Q. How many sets of boxes were there completed?

Ans. My impression is that there was a box for every pen; for the sheep and hogs there were hooks put up. I think the boxes were everywhere, but I am not quite sure.

Q. Where were the accommodations for slaughtering hogs?

Ans. At the corner "C;" I should think to about number 30, say fifteen pens.

Q. On the corner opposite to the corner marked "C" there were no accommodations?

Ans. Not until you got to "D." It was just a continuation of the roadway.

Q. Where were the accommodations for slaughtering sheep?

Ans. The sheep were put from "D" out. The sheep filled, I suppose, twelve or fourteen pens; that is my recollection, from No. 25 to 49.

Q. How many pens were there left for slaughtering beef cattle?

Ans. In the neighborhood of eighty; that, of course, was just about what it would be. Any of these beef pens could have been turned

58 in an hour's notice into a hog pen or sheep pen by nailing the slats closer.

Q. Could you have changed the slaughtering instruments from beef into hogs and sheep?

Ans. Yes, sir; there were a great number of hooks sent over there. The intention was, as the butchers hired these pens, to give them a number of these hooks to drive in places to suit themselves. I saw those hooks myself.

Q. What accommodations had you for slaughtering and dressing sheep?

Ans. We had a number of those; I think they called them cradles;

at the same time every sheep butcher had those, we only made a few, presuming they would bring them over as a part of their utensils, in the same way as the beef-trees.

Q. You had no hooks for beef?

Ans. No, sir; we had no hooks for beef; at the same time, we had the tackle. There some Frenchmen who came over preferred hooks, and rigged them for themselves.

Q. Was that building strong enough to hang up five hundred beeves?

Ans. Yes, sir.

Q. Would it not have fallen down under the weight?

Ans. No, sir.

Q. You never made any calculation for hanging up that many.

Ans. I made the calculation for the weight that would come on each individual box; no single box would give way.

59 Q. Suppose you took five hundred beeves and hung them up at one time, was the roof strong enough?

Ans. It was not hanging from the roof, or from the ceiling.

Q. Hanging from the ceiling?

Ans. No, sir; the post went down to the sill in the ground.

Q. Each box had a separate frame?

Ans. On each side of the drain there was a post raised on sills sunk into the ground; on the top of the posts were girders, and these boxes rested on the girders, wholly independent of the roof.

Q. The establishment would not have come down if there had been five hundred hung in it.

Ans. I think not.

Q. What accommodations or instruments were there for taking the beef, after it was killed, from the pen out on to the place where the dressing took place?

Ans. There was a shaft and tackle going around it to make fast to the horns; this shaft was worked by steam, of course—a revolving shaft, with a winch head—and this drew the cattle out on the floor out of the little pen.

Q. How far did you have to draw them?

Ans. Just ten feet, I suppose, on an average.

Q. Simply drag them?

Ans. Just drag them through the gates; the minute they get out of the gate they were on the slaughtering floor.

Q. Was that machinery in operation on the 1st of June?

Ans. As I told you, I don't know that the entire tackle was there—that in, a set of tackle for each box; a great deal of it was at work.

Q. The shaft was running?

60 Ans. Yes, sir.

Q. Was the shaft running through the whole building?

Ans. Yes, sir.

Q. Where was the preparations for bleeding cattle; where was that to be done?

Ans. That was to be done on the slaughtering floor; they were stuck in the spine, and as soon as they were dragged out on the floor the throat was cut; the floor was built on a slope so the blood could run into the trough.

Q. There was no opening on the side by which beef could be carried out by "B" to "D"; no opening for cattle or carts but the cartway each side of the trough?

at the same time every sheep butcher had those, we only made a few, presuming they would bring them over as a part of their utensils, in the same way as the beef-trees.

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Ans. That was to be done on the slaughtering floor; they were stuck in the spine, and as soon as they were dragged out on the floor the throat was cut; the floor was built on a slope so the blood could run into the trough.

Q. There was no opening on the side by which beef could be carried out by "B" to "D"; no opening for cattle or carts but the cartway each side of the trough?

Ans. Yes, sir; when you ask me, do you mean on the 1st of June? I left them building the road alongside here.

Q. How did you get cattle into the pens between B and D?

Ans. These were very little occupied while I was there.

Q. What was the arrangement or calculation by which you were to get the cattle in?

Ans. All cattle that came into the slaughter-house came around corner A from the road; those on the side A B were driven in between the large pens and the small pens on that side, and were turned into the pens where they belonged; those designed for the side B D were at first driven in between the pens and the trough, but a road was designed out-side of the slaughter-house from B to D; they were to be driven around the corner B; there is one exception, a man by the name of Bertin, who took eight pens and threw them all into one, and
61 we gave him a little private gate on the end; most of the cattle used on this side were used by him.

Q. After all the cattle for the day had been slaughtered and hung up, was there any way to get those cattle out of the slaughter-house except through carts entering at one end and passing through out at the other?

Ans. A man could carry them through; if the pens were filled, they could not; if they were empty, they could have; but it was enough to drive them through.

Q. Had any arrangements been made which end to come in and which to go out at?

Ans. I think, if I recollect the system that was spoken of over there—of course, all this was organized—was to drive it at the lower end and come out at the upper; but you see that that could have been changed.

Q. On what do you base your calculations—but each one of these sections of sheds would hold seventy-five cattle?

Ans. Well, all of these calculations were based upon conversations with dealers and men up about the old stock-landing and visits up there.

Q. Work was going on at that slaughter-house until you left there, the 26th of June?

Ans. Yes, sir.

Q. All the time during the month of June?

Ans. Yes, sir; all the time during the month of June.

Q. Preparations for slaughtering were not completed before that date—you still had work to do?

Ans. We had plenty of work to do; for instance, the butchers
62 constantly made requests that kept three or four or half a dozen carpenters bussy. There were men working there; for instance, this man Bertin.

Q. (By counsel for defendant.) Working there to accommodate the butchers?

Ans. Yes, sir. Then again we found the boxes to high and lowered them.

Q. You had only that one system of boxes for hanging cattle?

Ans. Yes, sir.

Q. No other system?

Ans. No, sir; we decided to use that; some few French butchers changed them themselves.

(Here follows plan marked page 63.)

64 *Testimony.—Filed November 27th*, 1869.

LIVE STOCK DEALERS AND BUTCHERS' ASSOCIATION of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Co.
No. 1883.

SEVENTH DISTICT COURT:

Testimony taken by consent in the clerk's office, November 27th, 1869, and agreed to be used in this and all similar cases in this court or any other court.

HENRY MILHES, sworn for plaintiff, testifies as follows:

Q. How long have you been a butcher?

Ans. About ten years, selling in the market for about eight years.

Q. Did you visit the slaughter-house in Algiers on the 1st of June?

Ans. I was there the 2nd of June.

Q. Did you examine the slaughter-house works as to their capacity for butchering?

Ans. I went all over.

Q. How many beeves could be properly slaughtered and dressed there in the usual working hours of a day in the slaughter-house on the second of June?

Ans. I think about only three-quarters of what they kill could be slaughtered there.

65 Q. How many?

Ans. Between sixty and seventy beeves—that is, that could be slaughtered there; they were prepared, I think, for that many; no more.

Q. How many sheep?

Ans. There was nothing prepared that I could see for slaughtering sheep.

Q. Hogs?

Ans. The things that they put the hogs on for cleaning, they were not fixed; they were working there then on the 2nd of June.

Q. What time in June do you usually commence to butcher beeves—hot weather in June?

Ans. They commence to kill about two o'clock in the afternoon.

Q. In June?

Ans. Hot weather they keep as late as they can.

Q. How many places did you see fully fitted up for slaughtering and dressing?

Ans. I didn't count the places; I saw it was too small; they couldn't slaughter over three-quarters of what they kill at this time. If they killed sixty or seventy beeves, and hung it like they ought to be, it was as much as they could do.

Cross-examination:

Q. Do you belong to The Butchers' Benevolent Association?

A. Yes, sir.

Q. How many members are there in that association?

66 Ans. By this time I don't know exactly; I think it is two hundred and a few members; I don't know exactly.

Q. On the second of June, when you were over there—how many butchers were killing over there on the 2nd of June?

Ans. I didn't see any butchers killing at that time.

Q. What time in the day were you over there?

Ans. About two o'clock; I crossed the river about twelve o'clock, and then I staid in McQuoid and Mehle's office about an hour; and I went to the pens, and after that I went around the slaughter-house, in one side and out the other.

Q. Were you there until how long?

Ans. Until about half past two.

Q. Nobody was slaughtering there yet?

Ans. Not then; they were not ready to kill.

Q. Who were not ready to kill?

Ans. They were not killing.

Q. Wasn't there to kill?

Ans. No, sir.

Q. Do you know how many butchers were working there at that time?

Ans. I didn't see any.

DOMINIQUE VERGES, sworn for plaintiff, testified as follows:

Q. How long have you been a butcher?

Ans. Since the first part of '42.

67 Q. Did you visit the slaughter-house in Algiers on the 1st of June?

Ans. No, sir; it was the 9th or 12th of July, one of the two, I don't know which?

Q. What did you find the capacity of the slaughter-house to be for slaughtering and dressing cattle there?

Ans. Well, we run around, me and Jim McQuoid, and we could see the work was not proper, and it was too small all entirely, and was not proper for the butchers, and was too small.

Q. What about the size of each slaughter-pens?

Ans. I didn't measure it, but it looks to me very small?

Q. Too small for handy work?

Ans. I don't know whether they worked or not; I never saw them work there.

Q. You butcher yourself?

Ans. Yes, sir.

Q. Would it be too small for you to butcher if you had wanted to butcher there?

Ans. Not if they give me length enough.

Q. But simply taking one pen?

Ans. I don't know; I take over twenty for my business.

Q. How many could have been slaughtered there in a day at the usual hours for slaughtering?

Ans. I don't know exactly, I didn't measure, but it appears to me that the pen is about 4 feet wide; it might be 6 feet.

Q. How many in the whole building could the butchers slaughter in a day if they had gone to work in the usual hours of slaughtering? About how many?

Ans. I didn't calculate positively.

68 Q. You didn't estimate it at all?

Ans. No, sir.

Q. Were the slaughter-pens all fixed up with tackle and machinery for slaughtering? Didn't you examine that?

Ans. I saw a few tackles—only a few tackles.

Q. Trees?

Ans. Yes, sir; trees, I didn't see none.

Q. Did you see them slaughtering any?

Ans. No, sir.

Q. What time of day were you there?

Ans. It was about from ten until one.

Q. What proportion of all the butchers of the parishes of Orleans, St. Bernard, and Jefferson would that accommodate?

Ans. No, sir.

Q. What proportion, what measure, three-quarters, one-half, one-fifth, two-fifths, one-third, about how many?

Ans. Well, it would be very hard to accommodate half?

Q. You are well acquainted with the amount of butchering done in New Orleans and vicinity?

Ans. Yes, sir.

Cross-examination:

Q. How many men are there in New Orleans who absolutely butcher for this market—who absolutely kill, slaughter, and dress cattle—not the men who sell meat, but the men who absolutely slaughter and dress cattle, hogs, and sheep?

Ans. I never counted positively.

Q. Well about, of course?

69 Ans. One hundred slaughter-houses in Jefferson.

Q. It's all killed up there ain't it?

Ans. Yes, sir.

Q. About how many cattle, hogs, and sheep are butchered in New Orleans on an average per diem?

Ans. They report.

Q. Not of your own knowledge, what you think—you have been in the business a long time. How much do you think it is necessary to slaughter a day—what you think, your opinion—we cannot expect you to swear positively; but what is your opinion as to how many cattle are slaughtered per diem for the use of this market?

Ans. About 100 beef.

Q. How many hogs?

Ans. This time of the year don't use many; not over a hundred.

Q. How many sheep?

Ans. About two or three hundred sheep.

Q. Two or three hundred sheep every day?

Ans. Yes, sir; and two hundred calves.

Re-direct-examination:

Q. How many butchers are there in New Orleans—you mentioned those in Jefferson?

Ans. Well, I mean all around.

Q. Do you know how many cattle are killed through these three parishes a day?

Ans. No, sir.

Q. Carrollton, say Jefferson, Orleans, and St. Bernard?

Ans. No, sir.

70 Q. Is there any difference between winter and summer killing?

Ans. I don't know about that.

Q. Are there any more cattle killed in the winter than in the summer—more animals, don't you know?

Ans. Yes, sir; they kill more in winter than in the summer if they have them.

BENJAMIN FOSTER, sworn for plaintiff, testified as follows:

Q. How long have you lived in New Orleans?

Ans. Nearly 25 years.

Q. What business?

Ans. Cattle-dealer; cattle, hogs, sheep, stock, etc.

Q. Are you familiar with the subject of butchering, slaughtering?

Ans. No, sir, not much; I sell to butchers; I have butchered in my life—a great many years ago.

Q. Have you examined the slaughter-house building at Algiers?

Ans. I have been into every one as a matter of course; that has been my business for twenty-four years and over.

Q. Have you visited the slaughter-house at Algiers?

Ans. Well, I was there on the 31st of May; the first bullock that was killed. I have been there but once since—a short time ago.

Q. What was its capacity on that day for slaughtering?

71 Ans. Well, sir, I don't think it was in a shape to kill all that was necessary for this market—that is, to kill and dress; you could kill any quantity.

Q. But could not dress them?

Ans. No, sir; there was no facilities.

Q. How far were the works completed, such as they are?

Ans. The building was up, but not in a fix to kill to supply the market.

Q. Do you know about how many they use—that is, including the three parishes—on average in a day?

Ans. No, sir; I don't know the three parishes.

Q. Say for the New Orleans market?

Ans. I think over Dominique a long ways, for I know they are sold generally to kill, and I have sold very near that many a day sometimes myself to kill.

Q. How many do you think are killed here in a day on the average of beef cattle?

Ans. From one hundred up to very near three hundred.

Q. Beef cattle a day?

Ans. Yes, sir.

Q. Tell what the average is the year round.

Ans. I should judge over 150 a day.

Q. How many sheep?

Ans. I have known as high as 500 killed on Saturday for Sunday; I don't suppose there was more than somewhere in the neighborhood of 200. That was before the war, about the 500. Mutton has been very high; I don't think there's much over 200 or 250.

Q. About how many hogs?

Ans. I don't think there's over a hundred a day killed now, but

72 I have known a good many more. Mutton and pork has been limited of late. Beef is cheaper.

Q. Do you know how many calves are killed in a day?

A. There's a good many; it has been the cheapest meat we have. I presume from two to three hundred.

Q. On an average the year round?

Ans. Yes, sir; at this time. I don't know that in the summer there's quite that. There's a great deal of veal.

Cross-examined:

Q. What is the difference between winter and summer?

Ans. Well, there's more meat used in winter than in summer.

Q. How many more?
Ans. I should think there was all of a quarter.
Q. Twenty-five per cent.?
Ans. Twenty-five per cent., I would judge.

PAUL ESTEBEN, sworn for plaintiff, testified as follows:

Q. How long have you been engaged in butchering in New Orleans?
Ans. This twenty-two years.
Q. How many slaughter-houses do you think there are in the three parishes—private slaughter-houses?
Ans. Private? There's about seventy-one, maybe one or two more, maybe one or two less.
Q. That is, in the parishes of Orleans and Jefferson?
73 Ans. I could not answer to the three parishes, because I never went in St. Bernard. I have never been in Jefferson, I mean in the two parishes.
Q. Simply the stock-landings?
Ans. Yes, sir; in the city of New Orleans and city of Jefferson.
Q. About how many beef are killed a day on the average?
Ans. On an average the whole year do you mean?
Q. Yes.
Ans. There's about one hundred and fifty to fifty-five; say about a thousand a week. Some seasons it goes over, some seasons less.
Q. But the average is about a thousand a week the year around of beef cattle?
Ans. Yes, sir; beef cattle.
Q. How many sheep?
Ans. From thirty-five to thirty-seven hundred a month through the year around; some months it goes to forty-seven hundred, and some it even goes to twenty-seven hundred, so we can say about an average of 3,700.
Q. Now calves?
Ans. Calves is about pretty near the same as sheep.
Q. And hogs?
A. Hogs is about I don't believe it goes to a hundred since two or three years.
Q. A hundred a day?
Ans. A day the whole year round.
Q. Have you visited the slaughter-house at Algiers?
Ans. No, sir; never been there.

74 Cross-examined:

Q. You are president of The Butchers' Benevolent Association?
Ans. Yes, sir.
Q. How many members are there of that association?
Ans. I don't know; I could not tell exactly.
Q. About how many?
Ans. About two hundred.

FRANÇOIS BRUCE, sworn for plaintiff, testified as follows, (examination conducted in French through an interpreter:)

Q. Are you a butcher?
Ans. Yes, sir.
Q. For how long?
Ans. Twenty-one years.
Q. Have you been to the slaughter-house at Algiers?

Ans. Yes.
Q. When?
Ans. Nineteenth July.
Q. Before that?
Ans. Yes.
Q. The 1st of June were you there?
Ans. No, sir; 19th July.
Q. How long were you over there?
Ans. I went there three days.
Q. Did you examine those works to see their capacity?
Ans. Yes, sir; I find it impossible to do the work the butchers
75 had to do.
Q. What proportion of all the butchers in New Orleans could have worked over there, if they had gone over there?
Ans. There was no more room than for 50.
Q. How many beeves could have been slaughtered there and dressed, in the usual hours, during one day?
Ans. They could have slaughtered in the whole place no more than 80 beef.
Q. How many sheep?
Ans. No room for sheep; nothing, no place.
Q. Hogs?
Ans. To kill eighty beef would take all the room.
Q. What time was this that you saw that?
Ans. I was there from 16th to the 19th of July.
Q. Was there any place for killing veal?
Ans. There was only room to hang four calves. In the department to hang veal there was only room to hang four.

JEAN PALANQUE, sworn for plaintiff, testifies as follows, (evidence delivered in French through an interpreter:)

Q. How long have you been a butcher?
Ans. Nineteen years.
Q. Did you visit the slaughter-house at Algiers in June?
Ans. I was there the 3rd of June.
Q. How many beeves could have been slaughtered there?
76 Ans. I could not say how many, but it was very few.
Q. Could half the beeves usually slaughtered in this market have been slaughtered there?
Ans. No, sir.
Q. Was the slaughter-house ready for slaughtering?
Ans. No, sir.
Q. What was wanting?
Ans. Everything was missing.

PIERRE MONS, sworn for plaintiff, testified as follows, (examination conducted in French through an interpreter:)

Q. How long have you been a butcher?
Ans. Nine years.
Q. Did you visit the slaughter-house in Algiers the first of June?
Ans. Yes, sir.
Q. What day in June?
Ans. Third.
Q. Were the works completed on that day, or were they at work?
Ans. No, sir; I saw working that day.

Q. How many beeves could have been slaughtered there on that day? About how many?

Ans. About 50.

Q. How many sheep?

Ans. There was no place.

Q. Hogs?

77 A. There was no place for hogs.

Q. There was kettles to scald in, wasn't there?

Ans. I saw them, but didn't see the place to hang them.

Q. How many calves could have been slaughtered there?

Ans. In the veal department I only saw enough to hang three or four calves; they were too high at the beef stands.

Testimony.—Filed December 2nd, 1869.

Seventh district court.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Company.
} No. 1883.

Testimony taken in the clerk's office, by consent, on second December, 1869, to be used in this case and all similar cases in this court or any other court.

ROB'T J. WATSON, sworn for plaintiff, testified as follows:

Q. What is your business?

Ans. Butcher.

Q. How long have you been a butcher?

Ans. Last three years.

Q. In this city?

Ans. Yes, sir.

78 Q. Do you know the buildings of The Crescent City Live Stock Landing and Slaughter House Company in Algiers?

Ans. Yes, sir.

Q. Did you see them on the first of June last?

Ans. Yes, sir.

Q. What was the accommodation over there for butchers last June?

Ans. I killed there on the first of June; they were ready.

Q. How many animals could have been killed there on the first of June per diem?

Ans. I couldn't say; I don't know exactly how many boxes there is; I never counted them. If I knew how many boxes, I could tell; but I suppose the could have killed four hundred that day with ease.

Q. Could they have killed five hundred?

Ans. I suppose if we had been crowded the way we are in our own slaughter-houses, and worked until nine or ten o'clock at night, we might have done it.

Q. Was there sufficient capacity in that slaughter-house to accommodate all the butchers?

Ans. For my part I thought there was to accommodate all the butchers in beef. I don't know that the small stock all could have been killed on the first day. They could kill all the beef for the city; but for

the small stock I don't think there is room enough exactly; yet I am on oath here, and, of course, I have to express myself properly; there is room enough for everybody that came there, and they could have got along if they had felt disposed to do so.

79 Q. How many did come there on the 1st of June?

Ans. Six or seven. I don't think there was more than seven.

Q. Have you been killing there since the first of June?

Ans. I killed from the first of June up to the 22d of August.

Q. During that time that you were killing there, was there always plenty of room for all the butchers?

Ans. There was. Yes, sir.

Q. How many were the most butchers there during the time that you were there?

Ans. I never saw over twenty butchers, twenty men that does the whole business. I don't suppose there was twenty. There wasn't over twenty, if there was that.

Q. What was the accommodation over there for stock?

Ans. Very good accommodations.

Q. How much stock could be accommodated?

Ans. Well, I suppose there could be, in the stables and the pens, they could put away a thousand head of cattle.

Q. Stabled at the pens?

Ans. Stabled under the slaughter-house roof.

Q. And the stalls outside the slaughter-house?

Ans. Two or three thousand.

Q. Was there sufficient room in the slaughter-house and stables to accommodate the stock received at this port?

Ans. Yes, sir.

80 CHRISTIAN MEHLE, sworn for defendant, testified as follows:

Q. What is your business?

Ans. Cattle broker.

Q. Dealer in live stock?

Ans. Yes, sir.

Q. How long have you been in that business?

Ans. About fifteen years.

Q. In this city?

Ans. Yes, sir; in Jefferson.

Q. Are you familiar with the butcher business in this city?

Ans. Yes, sir.

Q. Are you acquainted with most of the butchers in New Orleans?

Ans. Yes, sir. I think I know them nearly all. I deal with them every day.

Q. How many butchers are there in New Orleans who absolutely kill and slaughter?

Ans. Well, there is not such a great many that kill cattle. I don't know exactly, but I suppose, beef butchers, a hundred, and say maybe a hundred and fifty altogether, veal, mutton, and beef.

Q. Do you know the works of The Crescent City Live Stock Landing and Slaughter House Company over in Algiers?

A. Yes, sir.

Q. Did you see them on the first of June?

Ans. I went there on the first of June.

81 Q. Did you inspect the grand slaughter-house?

Ans. Yes, sir; I was in there.

Q. State what the capacity of that slaughter-house was on the first of June?

Ans. I think it had capacity enough to kill all the animals that are slaughtered in this town fully.

Q. Could five hundred head a day be slaughtered there?

Ans. Yes; that many and more.

Q. Have you visited there frequently since then?

Ans. I remained there two or three months.

Q. What was the largest number of butchers you ever saw at work there at one time?

Ans. I don't know how many, but I saw more than a hundred killed in a day.

Q. Was there plenty of room for others to work?

Ans. Yes, sir. You couldn't hardly see where they were put at. It was a small space.

Q. What were the accommodations for stock?

Ans. Very good.

Q. Was there sufficient accommodation for all the stock that came to this port?

Ans. Yes, sir.

Q. What is the average amount of beef cattle killed here per day?

Ans. I should judge about two hundred and fifty a day, grown cattle.

Q. Sheep?

Ans. That is so very irregular, we have never made an esti-
82 mate. We could not hardly say about them. I suppose some hundred and fifty a day.

Q. Calves?

Ans. Well, about the same number, on an average.

Q. And hogs?

Ans. Well, that aint over forty or fifty. I know that cattle hardly average over two hundred, a hundred and fifty sheep, and about that many calves, and about forty or fifty hogs.

Q. You have been familiar with the landing of cattle at this port during your engagement in business?

Ans. Yes, sir.

Q. What was the nature of the accommodations for landing of cattle at this slaughter-house over in Algiers on the first of June?

Ans. It was excellent; the best we have ever had since I have been in the business; more convenience, and more facilities for landing there, and do it in a short time. Steamers could land there, and get the stock off in half an hour, and here above we had no accommodations.

Q. Who are the largest receivers of stock in this port?

Ans. We receive a good many.

Q. You think you are the largest, McQuoid & Mehle?

Ans. We are the largest. Yes, sir.

Q. Who comes next?

Ans. I think Bell and Co., when Bell was alive, was next.

Cross-examination:

Q. The number of sheep slaughtered here varies much more than the number of beef cattle?

Ans. Yes, sir. That depends on the market.

83 Q. How large a number of sheep have you known to be slaughtered in a day?

Ans. I think there has been probably two hundred or two hundred and fifty a day. I am counting the average of the year round.

JAMES MCQUOID, sworn for defendant, says:

Q. You are a partner of Mehle, who has just left the stand?

Ans. Yes, sir.

Q. You are a live-stock dealer here?

Ans. Yes, sir.

Q. How long have you been engaged in that business?

Ans. All my life.

Q. You are now how many years old?

Ans. Sixty and upwards.

Q. Are you familiar with the butchers in this city?

Ans. Yes, sir.

Q. Know most of them?

Ans. Yes, sir.

Q. Do you know something about the butchers' business, the details of it?

Ans. Yes, sir; I have worked at that too.

Q. Do you know the works of The Crescent City Live Stock Landing and Slaughter House Company over in Algiers?

Ans. Yes, sir; I have been all over it.

Q. Had you been all over them on the first of June last?

Ans. Well, I walked through there, up and down the aisle.

84 Q. On the 1st of June?

Ans. Yes, sir.

Q. Did you see enough about the building to state what accommodations were over there on that day?

Ans. Well, the accommodations over there on that day were nothing like it is at the present time; the fixtures were there ready to be put up in a few minutes, but really were not up.

Q. What capacity was that slaughter-house?

Ans. At the present time?

Q. Then?

Ans. The building stood then as it does now. I have seen all through the building of the Communipaw slaughter-house, and the one in Chicago. At Communipaw they can kill four thousand head of cattle, eight or ten thousand head of hogs, and five or six thousand sheep.

Q. That is in New York?

Ans. In New Jersey.

Q. You have seen the one in Chicago?

Ans. Yes, sir; this one is larger and covers more ground than that one does.

Q. The one of Communipaw?

Ans. Yes, sir; though that one there has two stories, and this has one; there is the difference in the two buildings.

Q. How many cattle could be killed, do you think, per diem in this slaughter-house?

Ans. They could go to work and kill fifteen hundred in there.

Q. A day?

Ans. Yes, sir.

85 Q. Could they have killed five hundred on the first of June?

Ans. All that was lacking was the tackle, and they were ready to be put up.

Q. The tackles were there and ready to be put up if anybody wanted them?

Ans. So they told me; I saw the tackles.

Q. How many butchers were working there on the first of June?

Ans. I don't think there were over eight or ten.

Q. How many are working there now? Have you any idea?

Ans. No, sir.

Q. Do you know the largest number that was ever working there?

Ans. I think about ten; I think there was as many over there the first day as there has been since.

Q. What were the accommodations there for stock?

Ans. Very good.

Q. Were there sufficient accommodations for stock to accommodate all the stock furnished at this port?

Ans. All that was received at that time.

Q. Is there sufficient there to receive all that is received now?

Ans. That would depend upon whether they would demand stables to put them in. For selling purposes there are sufficient stables, but we don't pretend to use the stables for feeding all the cattle that comes for all purposes; there is sufficient room there for all necessary purposes.

86 Q. On the first of June, what was the capacity of the slaughter-house for holding cattle? How many could have been held there?

Ans. In the slaughter-house pens?

Q. In the slaughter-house pens.

Ans. I suppose some five hundred head.

Q. And in the stables?

Ans. Not in the sheds in the slaughter-house.

Q. How many could have been held on the wharves in the pens there?

Ans. In the pens on the wharves I suppose there was about three hundred head.

Q. And in the pens beyond?

Ans. I suppose five hundred more for selling purposes.

Q. For sheltering purposes and all the coverings that are used?

Ans. I suppose there was enough there to pen a thousand heads if they used all the sheds.

Cross-examination:

Q. What is the average length of a beef?

Ans. He ought to have about nine feet.

Q. From nose to rump?

Ans. Yes, sir.

Q. How many slaughtering stalles were there on the first of June in the slaughter-house?

Ans. I think, on the first of June, there was the same number that there is now.

87 Q. How many had boxes, of those that are there now, in which to hang up the beef after it was dressed?

Ans. Skids is what we generally call them. I could not say positively, but I think about eighty up already, and there is room there for forty (40) more pair.

Q. How many beef cattle could be slaughtered and hung up in front of each one of these pens at the time?

Ans. Without using the gate you could put out about five or six.

Q. How many could you slaughter and hang up after you dressed them. How many could you hang up in the slaughter-house between that and the gutter?

Ans. Using that pen for knocking them down and dressing them, you could hang up eight or ten?

Q. Using the place where they are hung up, between where you dress them and the trough where the blood runs, how many could be hung up in that building?

Ans. You could hang up ten head of cattle in that spot without opening this gate.

Q. How many could be hung up, between the place where they are dressed and the trough, after they are dressed?

Ans. About five. It is the intention of the little pens to be used for pushing the beef back, and killing fifteen or twenty on each skid.

Q. Where would you get you beef to slaughter?

Ans. Take them out of the pens in the rear; there is the proper place.

Q. What is this place for in front?

Ans. Merely for convenience. It is the awkwardness of the man that drew the plan up.

88 Q. Where is the only spot that you can dress the cattle after they are killed?

A. Dress between the pens and the trough, and push them back.

Q. Where do you get the cattle to kill?

Ans. From the back pen.

Q. Over the other cattle?

Ans. No, sir; we hang the dress cattle up.

Q. What accommodations were there on the first of June for hanging up cattle? I mean right here where you say it ought to be.

Ans. There was accommodations there for four hundred and eighty cattle, and have plenty of room.

Q. How many accommodations in these little pens with the gate on the first of June?

Ans. They could kill in there, amounting to four hundred and eighty, by using between the dressing-place and the drain.

Q. I want to know how many were fixed, and with boxes and skids, whatever you call them, to hang the dressed beef on?

Ans. There were skids enough there to have hung up.

Q. In these little boxes?

Ans. The boxes run back, I understand you.

Q. No, sir; I mean the little, short pens, where the figures are on the plan. In these little plan, surrounded by those lines, how many preparations and implements were there for hanging up?

Ans. Well, sir, I could go to work and kill there myself eight

89 hundred head of cattle on them skids; that is, with help to do it.

Q. Could not you have killed eight thousand if you had help enough?

Ans. I could kill them and let them hang up—I mean kill them and hang them up.

Q. Dress them?

Ans. Dress them.

Q. Eight hundred a day?

A. Yes, sir.

Q. First of June?

Ans. Yes, sir.

Q. If you had help?

Ans. Yes, sir.

Q. How many places and instruments were there in the little pens in which the numbers are on this plan for hanging up cattle?

Ans. You want to know how many cattle could be killed in that place and hung up?

Q. I asked you how many dressed cattle could have been hung up in these little pens in which the numbers are placed on this plan.

Ans. I could hang up twenty head of cattle on each one of these boxes.

Q. How many were prepared for that purpose on the first of June?

Ans. The first of June they didn't extend through that.

Q. Do they now?

Ans. I think not.

Q. You could not have hung up one there?

90 Ans. Not without having this extended in there.

Q. In these pens in the rear, on the outside of the slaughter-house, between the alley and the outer wall of the house, how many could be put in those pens?

Ans. About ten in each pen.

Q. How many in the little ones in front of them?

Ans. About six.

Q. What preparation was made to keep the cattle in?

Ans. There was the best kind of preparations.

Q. What?

Ans. A good fence around it.

Q. What is there in front of the rear and behind the front one?

Ans. There is a gate in front of the rear.

Q. You don't know anything about the measurement of these pens?

Ans. I never measured them; I should judge the little pens is about twelve by eight or nine.

Q. How many sets of tackle were there ready put up, or to be put up, in front of each of these pens, between those and the trough?

Ans. On that day I think there was already hung up forty odd.

Q. Where were the accommodations for slaughtering and butchering sheep?

Ans. That was down at the other end, below this.

Q. But take up part of this?

Ans. No, sir; up here from where the cattle are killed.

Q. But it took up part of the slaughter-house?

Ans. Yes, sir.

91 Q. About how many of these pens did the sheep quarters take up?

Ans. I should judge this is intended for sheep and hogs up to about twenty or thirty.

Q. Where were the accommodations for hogs?

Ans. Part of the sheep pens were for hogs.

Q. Where were the calves?

Ans. They would be in any of the pens.

Q. On the other side?

Ans. Yes, sir.

Re-direct:

Q. Suppose that you left no room for a cart to pass, how many could be hung up on the first of June?

Ans. I didn't suppose that a cart had any business in there.

Q. How many could you hang up, leaving no room to pass?

Ans. Well, I think that they could kill about eight head without extending those skids.

Q. Where there sufficient accommodations there for sheep, hogs, and calves as well as for beef cattle?

Ans. If they had gone into the different pens; two or three men into a pen.

Q. Were there on the first of June accommodations for sheep and calves?

Ans. If they had gone in there, certainly.

Re-cross examination:

92 Q. How could you get the beef out if you didn't get a cart in?

Ans. Go through the pens.

Q. That would be the only way?

Ans. Carry it out to the end.

JOEL J. MAGINNIS, sworn for defendant, testified as follows:

Q. How old are you?

Ans. I am 31 next January.

Q. What is your business?

Ans. I am a stock commission merchant.

Q. How long have you been engaged in that business?

Ans. For eleven years.

Q. In this city?

Ans. In the city of Jefferson.

Q. Do you know anything about the butcher business?

Ans. I do not; not much.

Q. Do you know the butchers in New Orleans, butchers generally?

Ans. Know all of them.

Q. Have you been in the slaughter-houses frequently?

Ans. I have.

Q. Seen the process of killing beef?

Ans. Yes.

Q. Butchering it, hanging it up, etc., are you familiar with that?

Ans. Frequently; I see them every day.

93 Q. Have you seen the grand slaughter-house of The Crescent City Live Stock Landing and Slaughter House Company?

Ans. Yes, sir; several times.

Q. Did you see it the first of June?

Ans. I did.

Q. What capacity was it on the first of June in the way of accommodations? Did it have capacity to accommodate the butchers of this city with facility?

Ans. I should think it had.

Q. Those that killed for this market?

Ans. Yes, sir.

Q. How many could be slaughtered there in a day?

Ans. I could not tell you that, not being familiar with the butcher business; there was plenty of room for the number of cattle killed for this market.

Q. You could not say how many could be killed there in a day?

Ans. No, sir.

Q. Could you tell what was the average number of beef cattle killed here per diem?

Ans. Not exceeding 250.

Q. Calves?

Ans. They vary from 100 to 175, I should think.

Q. Sheep?

Ans. Sheep is an article that varies much, according to the prices; sometimes more and sometimes less.

Q. Upon the average?

Ans. I should say 150.

Q. Hogs?

Ans. Very few hogs killed here; from 40 to 60 a day.

94 Q. What were the accommodations for stock over there?

Ans. Very good.

Q. Was there sufficient accommodations there to shelter the stock received at this port?

Ans. Well, the had sufficient for any commodity at that time, and we had the most of the stock that was here, and it was as much as we generally have at the biggest rush of the season.

Q. You have been in the habit of keeping your cattle over there?

Ans. Yes, sir.

Q. How many head of beeves have you ever had over there at one time?

Ans. I think we have had as high as 2,000 on hand at one time.

Q. Is that a large number?

Ans. A very large number; seldom have that many on hand.

Q. How many cattle are there on hand in this city and its vicinity today, do you suppose, for sale?

Ans. There was 55 yesterday evening; there's probably 250 this morning, I should judge.

Q. What is your firm?

Ans. McQuoid, Mehle & Co.

JAMES M. FOSTER, sworn for defendant, testified as follows:

Q. What is your business?

Ans. I am in the live-stock trade.

95 Q. How long have you been in that trade?

Ans. I joined this McQuoid and Mehle house in last January.

Q. How long had you been in the trade before that?

Ans. I have been shipping and a drover of cattle for many years.

Q. Are you familiar with the butchers' business?

Ans. No, sir; I have butchered some.

Q. You know about it?

Ans. Yes, sir.

Q. Sell to butchers?

Ans. Yes, sir.

Q. Know the butchers in this city pretty well?

Ans. I know the most of them.

Q. Have you seen the slaughter-house of The Slaughter House Company over in Algiers?

Ans. Yes.

Q. Did you examine it on the first of June?

Ans. I went over the first of June.

Q. Was it there then?

Ans. Yes, sir.

Q. Was there sufficient capacity there for all the butchers in this vicinity at that time?

Ans. There was a large, fine slaughter-house, and good officers.

Q. Was there sufficient to accommodate all the butchers?

Ans. I thought so.

Q. How many cattle could have been slaughtered there in a day?

Ans. I don't know.

96 Q. Do you think there was capacity for slaughtering 500?

Ans. I don't know; I thought there was abundance of room to slaughter 4,000 from the way they hung up in Jefferson City; I thought there was plenty of room.

Q. What were the accommodations for stock; sufficient?

Ans. Yes, sir; fine accommodations.

Cross-examination:

Q. You have been engaged in butchering?

Ans. I never butchered but once in Charleston; but I have been a drover and selling to butchers for many years; shipping from Charleston to this market for many years.

Q. You don't know the wants of the butchers?

Ans. No, sir; I am no butcher.

Order and continuance.

Extract from the minutes, December 3d, 1869.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans *vs.* THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Co. } No. 1883.

This case, fixed this day, was ordered to be continued and assigned for trial on the first open day.

97 *Agreement.—Filed December 9th*, 1869.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans *vs.* THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Company. } No. 1883.

SEVENTH DISTRICT COURT:

In order to close up the evidence herein taken as to the capacity, etc., of the works of defendant, it is hereby admitted, as part of the oral testimony, that plaintiffs could bring up fifty more witnesses to prove the same general state of circumstances as testified to by plaintiffs' witnesses already examined; and that defendant could bring up fifty more witnesses to prove the same general state of circumstances as testified to by defendant's witness already examined.

This agreement to hold in all the cases submitted by agreement filed this day in this case.

N. O., 9th December 1860.

(Signed) JOSEPH P. HORNER,
For Defendant.
FELLOWS AND MILLS,
For Plaintiff.

98 *Note of evidence.—Filed December 9th*, 1869.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans *vs.* THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Company. } No. 1883.

IN SEVENTH DISTRICT COURT, ETC.,
December 9th, 1869:

Plaintiffs offered in evidence the admission of facts now filed and

marked "AF;" also agreement "K;" also testimony taken out of court on the questions as to the completion of the work.

Defendants reserve their bill of exceptions to the admission of said testimony, and now offer their testimony taken in this case in the clerks' office.

Admission of facts marked "AF," offered in evidence by plaintiffs.—Filed December 9th, 1869.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Company. } No. 1883.

99 SEVENTH DISTRICT COURT:

It is admitted that the object of the plaintiff and the business, etc., of its members are as stated in the petition; that the defendants claim an exclusive right, as set forth in the act No. 118, of 1869; and have been, and were at the time of the institution of the suit, endeavoring to assert that exclusive right and privilege, and to prevent plaintiff and others from doing anything in opposition or in derogation of that claim of exclusive right or privilege.

N. O., December 9th, 1869.

(Signed) JOSEPH P. HORNER,
For Defendant.

" FELLOWS AND MILLS,
Of Counsel.

Agreement marked "K," offered in evidence by plaintiff.—Filed December 9th, 1869.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Company. } No. 1883.

It is hereby agreed that the following cases, involving the rights of The Crescent City Live Stock Landing and Slaughter House Company, namely, The Butchers Benevolent Association vs. The Crescent City Live Stock Landing and Slaughter House Company, No. , sixth district court; Imbau, Aycock and Co. vs. The same et al., No.
100 1537, seventh district court; The Live Stock Dealers and Butchers' Association vs. The same et al., No. 1883, seventh district court; The Crescent City Live Stock Landing and Slaughter House Company vs. The Butchers' Benevolent Association, No. 585, fifth district court; The same vs. The St'r B. L. Hodge No. 2, captain and owners, No. , fifth district court; and The State of Louisiana vs. W'm Fagan et als., No. 809, fifth district court, shall be taken up, tried, and submitted at the same time upon the pleadings and admission on file, and the evidence to be taken upon the question of the compliance of The Slaughter House Company, on the first of June, 1869, with the provisions of the fourth section of act No. 118 of acts of 1869, the evidence to be taken in the case No. 1883, seventh district court, and the testimony taken in that case to be used in all the other cases above des-

ignated; that the court, in these several cases, are to maintain the exceptions, or reject the testimony, as the case may be, as to the bribery, corruption, etc., of the legislature, on the objections of the attorneys of The Crescent City Live Stock Landing and Slaughter House Company; the other side in each case taking bills of exception *in each case* to such ruling of the courts; the cases to be decided pro forma and signed as soon as possible, and appeals to be taken by each party cast on motion, and on giving bonds for costs, without citation or other notice, returnable to the supreme court as soon as possible, and to be filed together; in the mean time, proceedings in all other cases in which The Crescent City Live Stock Landing and Slaughter House Com-
101 pany are engaged or interested, as against any of the other parties, either as plaintiffs or defendants in these six suits, are staid until the final decision in these suits by the supreme court of the State of Louisiana, and to abide the result, so far as applicable, of the final decision in any or all of the six cases herein named; that these cases shall be, if allowable, submitted to the supreme court on brief, or argued orally together if possible, as soon as the same shall be allowed by the supreme court, either party to use or refer to any part of any of the six records in either of the six cases. This agreement to be filed in No. 1883 of the seventh district court.

N. O., 9th December, 1869.

(Signed) JOSEPH P. HORNER,
For Defendant.

" FELLOWS AND MILLS,
For Plaintiff.

Judgment.—Rendered December 9th, 1869.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans *vs.* THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Company. } No. 1883.

For the reasons assigned in the written opinion of the court on file in the case No. 1537 of the docket of this court—

102 It is ordered, adjudged, and decreed that there be judgment for the plaintiffs, The Live Stock Dealers and Butchers' Association, and against the defendants, The Crescent City Live Stock Landing and Slaughter House Company, perpetuating the injunction sued out herein, with costs.

Judgment signed 14th December, 1869.

(Signed) T. WHARTON COLLENS, *Judge.*

Motion of appeal.—Filed December 16th, 1869.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans *vs.* THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Co. } No. 1883.

SEVENTH DISTRICT COURT:

On motion of W. H. Hunt and Joseph P. Horner, attorneys for defendants, and on suggesting to the court that they are informed and be-

lieve that there is error to their prejudice in the final judgment herein rendered, and that they are desirous of appealing therefrom—

It is ordered by the court that a suspensive appeal be granted herein to the defendants to the supreme court of the State of Louisiana,
103 returnable on the first Monday of January, 1870, upon their furnishing bond, with good and solvent security, in the sum of two hundred dollars.

Bond of appeal.—Filed December 16th, 1869.

Know all men by these presents that we, Crescent City Live Stock Landing and Slaughter House Company et al. and F. J. Pratt, are held and firmly bound unto A. D. Bernoudy, clerk of the seventh district court, parish of Orleans, his executors, administrators, and assigns, in the sum of two hundred dollars; for the payment whereof we bind ourselves, our heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated in the city of New Orleans, on this 16th day of December, in the year of our Lord one thousand eight hundred and sixty-nine.

Whereas the above-bounden Crescent City Live Stock Landing and Slaughter House Company et al. this day filed a motion of appeal from a final judgment rendered against them in the suit of Live Stock Dealers and Butchers' Association vs. Crescent City Live Stock Landing and Slaughter House Company et al., in the seventh district court for the parish of Orleans, on the ninth day of December, one thousand eight hundred and sixty-nine:

Now, the condition of the above obligation is such, that the above-bound Crescent City Live Stock Landing and Slaughter House Company et al. shall prosecute their appeal, and shall satisfy whatever
104 judgment may be rendered against them, or that the same shall be satisfied by the proceeds of the sale of their estate, real or personal, if they be cast in the appeal; otherwise that the said F. J. Pratt, surety, shall be liable in their place.

(Signed) G. W. CARTER,
P'r J. P. HORNER, *Attorney.* [L. S.]
F. J. PRATT, *President.* [L. S.]
F. J. PRATT. [L. S.]

Signed, sealed, and delivered in the presence of—
(Signed) JOSEPH P. HORNER.

Bill of exceptions.—Filed December 18th, 1869.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Company.
} No. 1883.

SEVENTH DISTRICT COURT:

Be it remembered that on the trial of this case, on Thursday, the 9th day of December, 1869, counsel of plaintiffs offered the evidence of Peter Gardner and others to prove that defendants had not complied with the provisions of their act of incorporation, section 3rd, to which counsel for defendants objected on the following ground, viz:

105 1°. That such matters could not be set up against defendants

except by the State; that parties plaintiff herein had no right to call such fact in question.

2°. That it had been admitted by the State in the pleadings in the case of State of Louisiana, ex rel. Simeon Belden, Attorney General, vs. W'm Fagan et als., No. 809 of the docket of the fifth district court for the parish of Orleans, that defendants had complied with the conditions of their charter; and that such admission is conclusive upon plaintiffs.

But the court overruled these objections, and admitted the evidence; whereupon counsel for defendants excepted to said ruling, and tender this their bill of exceptions, and pray that the same be signed and made a part of the record.

(Signed) T. WHARTON COLLENS, *Judge.*

Bill of exception.—Filed December 20th, 1869.

Seventh district court.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans *vs.* THE CRESCENT CITY LIVE STOCK LANDING AND Slaughter House Co. } No. 1883.

Be it remembered that, on the trial of this case, the counsel for the defendants offered many and various witnesses to prove that the
106 persons, are some of them named in the second section of act No. 118 of the session acts of the general assembly for the year 1869, relative to the corporation (so called) of The Crescent City Live Stock Landing and Slaughter House Company, combined to carry through the general assembly the said act for their emolument, and agreed to provide for and to pay a sufficient number of the members of said general assembly to make the majority of the same such sums of money and such a number of the shares of the preferred stock in said company as would secure their votes for the act, and that, in pursuance of said agreement, money and evidences of debt were collected, and preferred stock issued, and so expended, and that the votes of a sufficient number of the members of the general assembly were purchased with money, checks, and preferred stock as to carry the said act through the general assembly; that the parties interested in said act, as parties named therein or as associates of said parties, did offer to give money and preferred stock to members of the general assembly who denounced said act as providing for an enormous and corrupt monopoly, and that while some of these refused to be corrupted, there were enough of the members of the general assembly who did accept the bribes, and who voted for the bill, and who were moved to give their votes therefor by bribes of money and of evidences of debt and of stock in the company to secure the passage of the said act through said general assembly; that the persons named in said act as corporators of the said Crescent City Live Stock Land-
107 ing and Slaughter House Company neither severally nor collectively were ever in any charge, superintendence, or oversight of the health of the city of New Orleans, nor members of the board of health or city council, nor men of property or settled avocations in the city, nor engaged in the slaughtering of cattle or stock, or concerned in its care or custody, or in any way engaged in the slaughter-house business, but was adventurers, who, for the hope of making money, did bribe a sufficient number of the members of the general assembly to pass the said act by gifts of money and preferred stock in said company.

To the introduction of which testimony and the examination of which witness the counsel for the plaintiff objected on the ground that the said testimony is impertinent, scandalous, and criminous; that the allegations of the answer, under which this testimony is sought to be introduced, are general, loose, and of a railing character, without certainty of detail or specification, charging various acts and deeds upon those who are corporators and associates of the corporators of The Crescent City Live Stock Landing and Slaughter House Company, which cannot be admitted to proof in a court of justice, charging the members of the general assembly, who participated in the act, of fragrant violation of their public duty, and the whole tenor of which is to scandalize and defame said corporators and associates, and the legislative department of the government, and to bring the same and the law into disre-

108 pute, derision, and contempt; that it is an attempt to prove matters which it is unbecoming the dignity of the court to hear; testimony which is not only unnecessary to be shown in the cause, but which cannot lawfully be shown, if true; that the court cannot enquire into the motives and inducements which prevailed upon the members of the legislature to vote for the act No. 118 in question, said general assembly being a co-ordinate branch of the government.

Which objections the court sustained, ruled out the testimony, and refused to have the witness sworn or examined; to which ruling the counsel for defendant excepted, and tender this their bill of exceptions for signature.

(Signed) T. WHARTON COLLENS, *Judge.*

Certificate.

STATE OF LOUISIANA,

Seventh District Court for the Parish of Orleans:

I, A. D. Bernoudy, clerk of the seventh district court for the parish of Orleans, and as such duly commissioned and sworn, do hereby certify that the foregoing one hundred and pages do contain a true and correct transcript of all proceedings had, documents filed, and evidence adduced on the trial of the suit wherein The Live Stock Dealers and Butchers' Association of New Orleans is plaintiff, and The Crescent City Live Stock Landing and Slaughter House Company et al. are defendants, instituted in the said court, and now on the records thereof under

109 the No. 1883.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court, at the city of New Orleans, on this twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-nine, and in the ninety-fourth year of the independence of the United States of America.

[SEAL.] (Signed) A. D. BERNOUDY, *Clerk.*

110 *Agreement of counsel.*

Supreme court of Louisiana.

Filed January 3rd, 1870.

(Signed) M. P. JULIAN, *Dep'y Clerk.*

INBAU, AYCOCK & Co. *vs.* C. C. L. S. L. & S. H. Co. } No. 2504.

BUTCHERS' BENEV. ASS'ON
vs.
SAME. } No. 2505.

L. S. D. & BUTCHERS' ASS'ON
vs.
SAME ET ALS. } " 2506.

C. C. L. S. L. & S. H. CO.
vs.
ST'B'T B. L. HODGE & OWNERS. } " 2507.

STATE OF LA., EX REL. S. BELDEN, ATT'Y GEN'L,
vs.
W'M FAGAN ET ALS. } " 2508.

C. C. L. S. L. & S. H. CO.
vs.
BUTCHERS BENE. ASS'ON. } " 2509.

It is agreed that the above six entitled and numbered suits are to be submitted to the court for adjudication upon the briefs filed and arguments made in the case of The State of La., ex rel. Simeon Belden, Attorney General, vs. W'm Fagan et als., No. 2508 of the docket of this court, and at the same time of the submission of this case.

N. O., 3rd January, 1870.

(Signed) JOSEPH P. HORNOR,
111 *Of counsel for C. C. L. S. L. & S. H. Co.*

(Signed) FELLOWS & MILLS,
Attorneys for Inbau, Aycock & Co., and others in above suits.

Extract from the minutes, case submitted.

Supreme court of Louisiana.

FRIDAY, *January 28th*, 1870.—The court was duly opened. Present, their honors John T. Ludeling, chief justice; and James G. Taliaferro, Rufus K. Howell, W. G. Wyly, William W. Howe, associate justices.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of N. O.
vs.
THE CRESCENT CITY LIVE STOCK LANDING & Slaughter House Company & als. } No. 2506.

On written consent thereto of counsel for both parties exhibited to the court, this case was taken under advisement by the court upon the briefs now on file for both parties.

Extract from the minutes, decree.

Supreme court of La.

112 MONDAY, *April 11th*, 1870.—The court was duly opened pursuant to adjournment. Present, their honors Jno. T. Ludeling,

chief justice; and James G. Taliaferro, W. G. Wyly, William W. Howe, associate justices; absent, Rufus K. Howell, ass'e justice.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of N. O.
vs.
THE CRESCENT CITY LIVE STOCK LANDING & Slaughter House Company & als.
No. 2506.

On appeal from the 7th district court from the parish of Orleans.

It is ordered, adjudged, and decreed that the judgment of the district court be avoided and reversed, and that there be judgment against the plaintiffs, dissolving the injunction and rejecting their demand, with costs in both courts.

Opinion of the court.—Filed April 11th, 1870.

Supreme court of Louisiana.

The LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING
113 and Slaughter House Company et als.
No. 2506.

Appeal from the 7th district court for the parish of Orleans.

Mr. Chief Justice LUDELING:

For the reasons stated in the case of The State of Louisiana, ex rel. S. Belden, Attorney General, vs. W'm Fagan et als., it is ordered, adjudged, and decreed that the judgment of the district court be avoided and reversed, and that there be judgment against the plaintiffs, dissolving the injunction and rejecting their demand, with costs in both courts.

Petition for rehearing.—Filed April 26th, 1870.

Supreme court of La.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING & Slaughter House Company et als.
No. 2506.

The petition of pl'ffs and appellees, with respect, show—

That they are informed there is error to their prejudice in the judgment and decree rendered herein by this court.

Wherefore, for the reasons and upon the arguments filed in *in*
114 the suit No. 2508, entitled "State of La., ex rel. Attorney General, vs. W'm Fagan et als.," they pray for a rehearing in this case; that the judgment heretofore rendered be set aside; and that the judgment of the lower court be affirmed, with costs, and for general relief.

(Signed) FELLOWS & MILLS,
CAMPBELL, SPOFFORD AND CAMPBELL,
COTTON & LEVY, *for Pl'ffs and Appellees.*

Extract from the minutes, rehearing refused.

Supreme court of Louisiana.

MONDAY, *May 9th*, 1870.—The court was duly opened. Present, their honors Jno. T. Ludeling, chief justice; and James G. Taliaferro, Rufus K. Howell, William W. Howe, associate justices; absent, W. G. Wyly, associate justice.

THE LIVE STOCK DEALERS AND BUTCHERS Association of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING & Slaughter House Company et als. } No. 2506.

115 It is ordered that the rehearing applied for in this case be refused.

Petition for writ of error.

Supreme court of La.

Filed May 16th, 1870.
(Signed) M. P. JULIAN, *Dep'y Clerk.*

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Co. et als. } No. 2506.

THE UNITED STATES OF AMERICA,
State of Louisiana, Parish of Orleans:

To the Honorable Joseph P. Bradley, associate justice of the Supreme Court of the United States:

The petition of The Live Stock Dealers and Butchers' Association of New Orleans, an incorporated institution under the special corporation law of Louisiana, through its president, William Fagan, plaintiff, in a cause wherein The Crescent City Live Stock Landing and Slaughter House Company and Geo. W. Carter are defendants, respectfully represents—

That petitioner is aggrieved by a final judgment in the su-
116 preme court in the State of Louisiana in the above-named suit, bearing date the 9th day of May instant, and that petitioner exhibits to your honor a copy of the record of the said cause, with the opinions and decree of the said court therein annexed to this petition as Exhibit A.

That it appears on the face of the said record that your petitioner claimed for itself and the persons composing the corporation a right, privilege, and title, under the Constitution of the United States, and especially under the fourteenth amendment thereof, to labor in its and their vocation of butchers, and to carry on the trade of the live-stock landing and slaughter-house business on equal terms and conditions with other citizens of the United States whenever and wheresoever said business was allowed under the laws of the State or the United States.

But that against common right and the right of the plaintiff, your petitioner, the legislature of Louisiana did grant to seventeen
117 persons incorporated as The Crescent City Live Stock Landing and Slaughter House Company the sole and exclusive privilege of conducting the live-stock landing and slaughter-house business within the limits and privileges of the said act, and did make it unlawful for any person or persons to land, keep, or slaughter cattle, horses, sheep, swine, or other animals, or to have any stock-landing, yards, pens, slaughter-houses, ar abattoirs at any point or place within the parishes of Orleans, Jefferson, and St. Bernard, or within the corporate limits of the city of New Orleans, other than those of the said corporation, and made it unlawful for any person or persons to conduct or carry on said business, and did require that all places for carrying on said business should be no other than those of said company, and did require that all animals designed for sale and slaughter in said parishes should be landed at the wharves and sheltered and kept at the houses and yards of said corporation, and fixed a tariff of burdensome
118 charges therefor, contrary to common right and the Constitution of the United States as aforesaid.

And your petitioner avers that in said cause was set up the said constitutional right, title, and privilege, but that said court overruled and determined adversely to the same, thereby establishing and maintaining an odious, oppressive, and mischievous monopoly against common right and the law of the Constitution.

Wherefore petitioner respectfully prays of your honor to allow a writ of error to the Supreme Court of the United States, to sign a citation to the defendant in said cause, and to approve the bond herewith submitted; and for such further order as may to right and justice in the premises appertain.

(Signed) FELLOWS & MILLS.
" COTTON & LEVY.

Order.

Writ of error allowed May 13th, 1870.

(Signed) JOS. P. BRADLEY,
Asso. Justice Supreme Court U. S.

119 UNITED STATES OF AMERICA, *ss:*

The President of the United States to the honorable the judges of the supreme court of the State of Louisiana, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said supreme court before you between The Live Stock Dealers & Butchers' Association of New Orleans, plaintiffs, and The Crescent City Live Stock Landing and Slaughter House Company & George W. Carter, defendants, a manifest error hath happened, to the great damage of the said Live Stock Dealers & Butchers' Association of New Orleans, as by their complaint appears; we, being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday of December next, in the said Supreme Court to be

then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Salmon P. Chase, Chief Justice of the said Supreme Court of the United States, this thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] D. URBAN,
Clerk of the United States Circuit Court for the District of Louisiana.

(Indorsed:) Supreme court of Louisiana. No. 2506. The Live Stock Dealers & Butchers' Association of New Orleans versus The Crescent City Live Stock Landing & Slaughter House Co. & Geo. W. Carter. Writ of error.

Allowed May 13th, 1870.

JOS. P. BRADLEY,
Asso. Justice Sup. Ct. U. S.

Filed May 16th, 1870.

M. P. JULIAN, *Dep'y Clerk.*

120 *Bond for writ of error.*

Supreme court of La.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans *vs.* THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Company et als. } No. 2506.

Filed May 16th, 1870.
(Signed) M. P. JULIAN, *Dep'y Clk.*

Know all men by these presents that we, The Live Stock Dealers and Butchers' Association of New Orleans, as principal, and Ch's Cavaroc and J. Ad. Hémecourt, as surities, are held and firmly bound unto The Crescent City Live Stock Landing and Slaughter House Co. and Geo. W. Carter in the full and just sum of ten thousand dollars, to be paid to the said Crescent City Live Stock Landing and Slaughter House Co. and Geo. W. Carter, its certain attorney, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents, sealed with our seals, and dated this thirteenth
121 day of May, in the year of our Lord one thousand eight hundred and seventy.

Whereas lately, at a session of the supreme court of the State of Louisiana, held on the 9th of May, 1870, in a suit depending in said supreme court, wherein The Live Stock Dealers and Butchers' Association of New Orleans was plaintift, and The Crescent City Live Stock Landing and Slaughter House Company and Geo. W. Carter were defendants, judgment was rendered against the said Live Stock Dealers and Butchers' Association of New Orleans; and the said Live Stock Dealers and Butchers' Association of New Orleans having obtained a writ of error and filed a copy thereof in the clerk's office of the said supreme court

to reverse the judgment in the aforesaid suit, and a citation directed to the said Crescent City Live Stock Landing and Slaughter House Co. and said Geo. W. Carter, citing and admonishing them to be and
122 appear at a Supreme Court of the United States, to be holden at Washington the first Monday of December next:

Now, the condition of the above obligation is such, that if the said Live Stock Dealers and Butchers' Association of New Orleans shall prosecute its writ to effect, and answer all damages and costs if it fail to make its plea good, then the above obligation to be void; else to remain in full force and virtue.

(Sig'd) WM FAGAN, *Pres'd't.* [SEAL.]
(Sig'd) C. CAVAROC. [SEAL.]
(Sig'd) J. A. D'HÉMÉCOURT. [SEAL.]

Sealed and delivered in the presence of—
[SEAL.] (Signed) J. Q. A. FELLOWS.

Approved May 13th, 1870.
(Signed) JOS. P. BRADLEY,
Asso. Justice Sup. Court U. S.

122*a* THE UNITED STATES OF AMERICA, *State of Louisiana:*

The President of the United States to The Crescent City Live Stock Landing & Slaughter House Company & Geo. W. Carter, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the supreme court of the State of Louisiana, wherein The Live Stock Dealers & Butchers' Association of New Orleans are plaintiffs in error, and you are defendants, to show cause, if any there be, why the judgment rendered against the said plaintiffs, as in said writ mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy.

JOS. P. BRADLEY,
Asso. Justice Sup. Ct. U. S.

(Indorsed:) Supreme court of Louisiana. No. 2506. The Live Stock Dealers & Butchers' Association of New Orleans vs. The Crescent City Live Stock Landing & Slaughter House Co. et als. Citation.

Marshal's return.

Received, May 18, 1870, by the U. S. marshal, and on the same day, month, and year served a copy of the within citation on the within-named Crescent City Live Stock Landing & Slaughter House Co., through F. J. Pratt, president thereof, by delivering the same to him, said Pratt, in person, at his office, corner of Common & Carondelet streets, in this city.

New Orleans, May 18th, 1870.

S. W. REED, *D'y U. S. Marshal.*

Supreme court.

Filed June 1st, 1870.

M. P. JULIAN, *D'p'y Clerk.*

Citation in error.

Supreme court of La.

THE LIVE STOCK DEALERS AND BUTCHERS' Association of New Orleans
vs.
THE CRESCENT CITY LIVE STOCK LANDING and Slaughter House Co. et als.
No. 2506.

THE UNITED STATES OF AMERICA, *State of Louisiana:*

123 The President of the United States to The Crescent City Live Stock Landing and Slaughter House Co. and Geo. W'm Carter greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the supreme court of the State of Louisiana, wherein The Live Stock Dealers & Butchers' Association of New Orleans are plaintiffs in error, and you are defendants, to show cause, if any there be, why the judgment rendered against the said plaintiffs, as in said writ mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

124 Witness the Honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy.

(Signed) JOS. P. BRADLEY,
Asso. Justice Sup. Court U. S.

Marshal's return.

Received, May 18th, 1870, by the U. S. Marshal, and on the same day month, and year served a copy of the within citation on the within-named Crescent City Live Stock Landing and Slaughter House Company, through F. J. Pratt, president thereof, by delivering the same to him, said Pratt, in person, at his office, corner of Common and Carondelet streets, in this city.

New Orleans, May 18th, 1870.

(Signed) S. W. REED, *Dep'y U. S. Marshal.*

Supreme court of La.

Filed June 1st, 1870.

(Signed) M. P. JULIAN, *Dep'y Clerk.*

125 *Certificate.*

UNITED STATES OF AMERICA,
Supreme Court, E. D., State of Louisiana:

I, M. P. Julian, dep'y clerk supreme court of the State of Louisiana, do hereby certify that the foregoing one hundred and twenty-four pages contain a true copy of the transcript of the proceedings had in the seventh district court for the parish of Orleans, in a certain suit wherein The Live Stock Dealers and Butchers' Association of New Orleans was plaintiff, and The Crescent City Live Stock Landing and Slaughter

House Company et als. were defendants, and also of the proceedings had in this supreme court on the appeal taken by said Crescent City Live Stock Landing and Slaughter House Company et als., which appeal is now on the files thereof under No. 2506.

In testimony whereof I have hereunto set my hand and affixed
126 the seal of this hon. court, at the city of New Orleans, this second day of August, anno Domini one thousand eight hundred and seventy, and in the ninety-fifth year of the independence of the United States of America.

[SEAL.] M. P. JULIAN, *Dep'y Clerk.*

(Indorsement on cover:) No. 477. The Live Stock Dealers and Butchers' Association of New Orleans, plaintiffs in error, vs. The Crescent City Live Stock Landing and Slaughter House Co. and George W. Carter. Louisiana sup. court.

Filed 30th August, 1870.